Threat Construction inside Bureaucracy
A Bourdieusian Study of the European Commission and the Framing of Irregular Immigration 1974-2009

Monica Svantesson
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Monica Svantesson
To Carl-Johan and Jacob
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Acknowledgements

Playing one day with his beloved Lego, my then 4-year old son Carl-Johan, held up a Lego man in front of my face and told me that “this one is evil, so I call him ‘the Professor’”. Quite surprised, I soon learnt that when he was playing, he not only associated professors with evilness, but also referred to many of the Lego figures as “mad scientists”. Why? Just like this dissertation discusses how our view of reality is formed by socialization processes in our close environment, his truth had no doubt been shaped by the world close to him. Not surprisingly, a child’s view of the world is to a large extent shaped by his/her parents. Now, I hardly ever talk about professors with my sons and, more importantly, had I done so, my son’s impression would have been the exact opposite. In fact, this dissertation would not be what it is, had I not had two great supervisors, Jan Hallenberg and Magnus Ekengren. They have skillfully helped me to mix inspiration and perspiration, the two ingredients so central for writing a dissertation. Jan’s remarkable reputation among doctoral students is not for nothing; his comments on the text as well as his untiring reassurance and long experience as a supervisor have been tremendously important for me to complete the dissertation. As for Magnus, everyone who knows him is familiar with his great enthusiasm for research, and how this sometimes makes him almost bubble over with inspiring comments and positive affirmation. In addition, he is a great reader and has on countless occasions provided sharp and insightful comments on the text, which the dissertation has greatly benefitted from.

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1 So what about the environment that made my son equate scientists with madness and evilness? Instead of family, the main provider of information about professors in my son’s life soon proved to be cartoons and Lego adaptations of cartoon characters. Repeatedly portrayed as super villains in the cartoons that he loved (e.g. Professor Z in Cars, Dr. Octopus in Spiderman, Dr. Doom in the Fantastic Four), my son had come to see scientists as mad, evil and as possessing super powers. Though my son was mistaken when equating professors with evilness, maybe he has a point about the madness of scientists? Case in point; to dedicate several years on one single dissertation, does one not simply have to be a little mad? Consequently, this dissertation is probably proof of me having become something of a mad (Political) scientist. Unfortunately not one that in the process gained super powers. Unless analytical super powers count...?
1. Introduction: Threat Construction, Bureaucracies and Irregular Immigration

The pressure of illegal migration on the Member States of the European Union situated in the Mediterranean and Atlantic region in the last two years has reached an unprecedented high, requiring immediate and decisive action at both national and European levels, in order to safeguard the Schengen system and prevent further tragedy among illegal migrants who die in large numbers in attempting to reach the shores of the European Union (European Commission, COM(2006)733, p. 3).

State bureaucracies and their representatives are great producers of “social problems” (Bourdieu 1994, 2).

Threat Construction and Bureaucracies without a Clear Interest in Threat Expansion

The main subject of this dissertation is how our view of what constitutes a security threat is formed, and it makes its theoretical contribution to the literature on securitization and threat construction. It argues that this literature has hitherto overlooked how influential bureaucracies that have little to gain from widened threat perceptions, in contrast to the police and the military, may still contribute to threat construction. The aim of this dissertation is therefore to analyze the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats. Using the case of the Commission and irregular immigration, the dissertation analyzes the extent to which the Commission frames irregular immigration as a threat, as well as how this framing of irregular immigration is made possible by the inner bureaucratic logic of the Commission. Analyzing these issues contributes to the study of threat construction and securitization by providing insights, not only on how threat construction may emerge and change in the absence of clear bureaucratic security dispositions, but also
concerning what role that the internal bureaucratic logic plays for the contribution to threat construction.

The point of departure for the study is that it is impossible to determine objectively whether a certain political issue constitutes a threat on some kind of essential level. The shared view of something as a threat is instead socially constructed. Different issues can be recognized as threats by different actors in different contexts at different points in time. What a certain group of people considers a threat, for example a bomb, another group can recognize as something welcome, such as a tool for liberation (Eriksson 2001, 10). At the same time, when an issue in a certain society is indeed considered a security threat, this means that it is deemed as in need of being fundamentally controlled or eliminated from that society (see e.g. Buzan, Wæver & de Wilde 1998; van Munster 2009, 10). There are many examples of political issues and objects that are interpreted differently, depending on who is asked about their essence and at what point in time. Take, for instance, the extreme but illuminating example of how the social construction of Jews in Germany under Hitler in the late 1930s completely differs from the social construction of Jews in Israel in the 2000s. One and the same perceived group of people can hence be constructed as a severe threat in one society, and as normal human beings in another. In one setting the profound elimination of Jews was advocated, while such a strategy is completely unthinkable in the other. Another example of how the same political issue can be interpreted differently is irregular immigration, which is the empirical issue that this dissertation studies in-depth. For many immigrants, the irregular road to another country is considered the only possible road to safety. However, some people in the country to which they migrate may, quite to the contrary, consider irregular immigration as boosting human smuggling and organized crime, and thus as a threat to law and order. The latter group often promotes intense surveillance of some of the sites where irregular immigrants may be found. This surveillance then affects the lives of irregular immigrants in different and very hands-on ways. The social construction of a threat is hence no trivial issue, and this makes it immensely important to understand how threat construction works.

Threat Construction in Political Science and International Relations

In the Political Science and the International Relations (IR) literature, the study of the social construction of security threats started to gain considerable attention in the mid-1990s. It was then that Wæver and his colleagues of the so-called Copenhagen school launched what came to be a very influential framework for the analysis of threat construction by introducing the concept
of securitization. Securitization is defined as the process that moves an issue into a security logic (cf. Huysmans 1995, 54), specified as when the issue in speech or writing officially starts being portrayed “as an existential threat, requiring emergency measures and justifying action outside the normal bounds of political procedure” (Buzan, Wæver & de Wilde 1998, 24; Wæver 1995; 1997; Buzan & Wæver 2003). Being based on Austin’s speech act theory, the idea is that the very act of naming something an existential threat turns it intersubjectively into a security threat (Wæver 1995, 55). Issues consequently “become” threats if certain people speak of them as threats. Language thus bears very powerful capacities in the original understanding of securitization.

The securitization framework has been highly influential and has spurred a multitude of scholarly interventions that in different ways relate to it. It has, often with more or less significant modifications, been empirically applied to a number of policy issues; for instance immigration issues (see e.g. Doty 1998; Abiri 2000; Huysmans 2000; 2006b; Aradau 2001; Bigo 2002; Ceyhan & Tsoukala 2002; Buonfino 2004; Ibrahim 2005; Diez & Squire 2008; van Munster 2009), environmental issues (Floyd 2010; Trombetta 2011); health issues like HIV/AIDS (Sjöstedt 2008); organized crime (Emmers 2003; Stritzel 2012); and cyber security (Hansen & Nissenbaum 2009). The securitization framework has also been used to study a number of specific events in international relations, such as the Danish Muhammad cartoon crisis (Hansen 2011), and the invasion of Iraq in 2003 (Roe 2008). Many scholars have moreover engaged in a normative debate on whether securitization is essentially negative, as Buzan, Wæver & de Wilde themselves argue (1998, 29), or may sometimes be morally justified (Floyd 2011; Roe 2012). What entails its opposite has also been discussed, that is to say, a desecuritization (Aradau 2004; Behnke 2006). Given all the attention, it is perhaps not surprising that some significant theoretical critique has been leveled against the securitization framework. Examples of topics raised are, for instance, how the securitization framework might miss gender aspects of security (Hansen 2000), how it pays too little attention to audiences’ perceptions (Balzacq 2005; 2011; Jensen 2013), that it is an unfinished perspective unless adding a “violization” step after a security speech act, a step that shows that actual hands-on violence is being used (Neumann 1998). Some have argued that the perspective has a European bias that takes for granted that European understandings of state and society are universal (Wilkinson 2007, but see Bilgin 2011, who argues that the theory seems to spread to places, such as Turkey, where one would perhaps not have so expected). Another important theoretical critique, and one of immediate relevance to this dissertation, is that the securitization framework focuses too much attention to language, while forgetting about the importance of contextual factors.

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2 For more on the intellectual foundations of securitization theory, see Williams (2003).
for the construction of a security threat (Bigo 2000; Balzacq 2005; 2011, 19; Huysmans 2006b; Stritzel 2007; 2012; MacDonald 2008; Villumsen Berling 2011; Sjöstedt 2010). Several critics have pointed out that an analysis of how threat construction works must involve a much broader understanding of power. If one, similar to the Copenhagen school, only studies the power of language, other forces of power are neglected. There is, for instance, a need to embed the study of text and language in a study of the speaker’s authority (Bigo 2000, 195; Balzacq 2005; 2011; Stritzel 2007; 2012; Williams & Neumann 2007, 65-67). Not everyone has the same power to “speak security” successfully and hence to construct issues as security threats. In short, linguistic use cannot be studied in isolation, but must be accompanied by a contextual power analysis.

Key Actors in the Security Policy Field: The Unclear Role of Bureaucracies

One scholar who has written extensively on the importance of power analysis to understand securitization is Bigo, whose research has been highly influential among scholars studying securitization and threat construction. He has, following Bourdieu, applied the concept of field, which enables him to nail down the importance of both context and power for threat construction. He argues that within a certain policy field, in this case the security policy field, those actors should be considered powerful that hold an abundance of the type of symbolic and material capital that is valued in this particular field. Those actors are the ones that have the power to transform a certain issue into a threat, i.e. to construct a threat. To understand the threat construction process, one must therefore closely study these actors. Key actors within the security policy field that have been mentioned in the securitization literature are, for instance, politicians (Bigo 2001b, 125-126; Huysmans & Buonfino 2008; Buzan, Wæver & de Wilde 1998) and the media (Bigo

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3 Many scholars use the concepts of threat construction and securitization basically interchangeably, as signifying the move of an issue into intersubjectively being a security threat (see e.g. Bigo 2002, 174; MacDonald 2008; van Munster 2009) There are, however, also those who prefer to delimit the concept of securitization to its original definition, where it should be understood as narrower than the concept of threat construction. One example is Boswell when she only studies whether political actors have increased their linking of immigration to terrorism in the aftermath of 11 September 2001 (and reaches the conclusion that they have not) (Boswell, 2007). I have in this dissertation favored the concept of threat construction, which I use in a broader sense than the original concept of securitization (i.e. the naming of something as an existential threat). I do this to avoid misunderstandings. Nevertheless, it should be stated that my contribution is, of course, made in relation to the literature on securitization as well.

4 Buzan, Wæver & de Wilde find politicians to be securitizing actors at least in some of their security sectors.
Some have also discussed the possible role of experts and scholars in securitization (see e.g. Behnke 2000; Eriksson 1999; Huysmans 2002; Wæver 1999; Villumsen Berling 2011). Bigo, however, stresses bureaucracies as particularly important. Since bureaucracies are the ones working closely with political issues on a daily basis in a routinized manner, and are holders of both forms of capital, they are very influential in shaping how an issue is understood and handled (Bigo 2000). The argument that bureaucracies are one of the key actors in the political machinery is also supported by the vast literature on bureaucracy in Political Science. This literature generally claims that public bureaucracy is incredibly important both for making policy and implementing it (see e.g. Peters 2010, 15). The actors that are important in the threat construction process are hence quite similar to those that are considered key actors in the general literature on policy-making. As for definitions of bureaucracy, these vary depending on the perspective of the author. In this dissertation, however, the term bureaucracy is applied rather loosely and simply refers to the public administration of the state or the EU (see Goldmann, Pedersen & Østerud 1997, 30).

In his empirical studies of bureaucratic actors, Bigo focuses mainly on the police and the military, which he calls the “professionals of security” (Bigo 2000; 2001a; 2002). According to Bigo, these hold a special position in the security policy field, since the issues that they choose to focus on tend to become constructed as threats. Since they are concerned with security on a daily basis they are inclined to look at issues from a security perspective; they have security dispositions. Bigo paraphrases Wendt: “Security is what the professionals of unease management make of it” (Bigo 2002, 85). His research has moreover demonstrated how it has been of interest to the police and the military to expand the types of threats on their radar after the end of the Cold War. This threat expansion, he argues, has namely resulted in an increased (or at least continued) need for security providing from the police and the military (Bigo 2002). While Bigo’s research is informative and interesting, as a case of how the bureaucracy constructs threats, it is nevertheless problematic since it focuses almost exclusively on the security professionals. While the police and the military do hold a key position in the security field, they are far from the only bureaucracies that are involved in policy-making and thus in defining important policies and what public finances should be spent on. Boswell has pointed out that other types of bureaucracies, she gives the example of immigration authorities, also are highly involved in formulating policy. Importantly, she argues that

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5 Few of the researchers that have studied these actors have applied the concept of field, but their research is still useful to understand which the key actors in the security policy field are.
6 For a survey of the research literature on bureaucracy, see e.g. Albrow (1970) or Beetham (1996).
even though it may be in the interest of the police and the military to expand the number of threats or broaden threat perceptions, it is far from certain that it is in the interest of other influential bureaucracies. She reaches the conclusion that other bureaucracies can have very ambiguous organizational interests and that Bigo’s notion of security professionals as ”colonizing” other policy areas to accomplish their own interests therefore is highly problematic. The straightforward interests of the security professionals are not necessarily in line with other bureaucracies’ more ambiguous interests, which are not only or automatically to expand their power, but also to avoid uncertainty and to ensure support from members of the organization by adhering to routines within the bureaucracy (Boswell 2007). What Boswell’s contribution teaches us is that other bureaucracies do not have the same clear interest in threat expansion. Not all bureaucracies would gain from more threats, nor are their dispositions as clearly inclined toward security. Therefore, they cannot be expected to act equally ”linear” in the direction of threat construction, or as what one may call straightforward securitization actors. On the other hand, what her reasoning does not develop is that the lack of a clear interest in and dispositions towards threat expansion in and by itself does not necessarily prevent a bureaucracy from contributing to threat construction in another, more non-linear way. Ambiguous and conflicting interests and goals are no guarantee for threat construction not to appear in a bureaucracy, which Boswell seems to imply. Just because it has ambiguous goals does not mean that the bureaucracy does not act in accordance with a certain pattern, a certain logic, which in the end contributes to threat construction anyway. On the contrary, according to some theorists we can actually expect it to follow a certain logic (e.g. Bourdieu 1994). To what extent this logic contributes to threat construction is an empirical question, but answering it would render important theoretical insights on what happens to threat construction in a bureaucracy without a clear interest in threat expansion. There is hence great reason for a study that begins where Boswell’s ends.

In short; many, perhaps even most, of the bureaucracies that are influential in policy-making, including those acting in the outskirts of the security policy field, do not unequivocally stand to gain from a threat expansion and are not necessarily accustomed to seeing issues primarily from a security perspective. Thus, the aim of this dissertation is to analyze the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats (in contrast to the police and the military). This aim is fulfilled by studying two things: firstly by investigating a bureaucracy’s constructions of reality, and to what extent these contribute to threat construction, which we cannot take for granted that the bureaucracy does. Secondly, it also involves studying how these constructions

7 Also Boswell would most likely agree with the assertion that bureaucracies follow a certain logic, only she does not see that logic as possibly resulting in threat construction.
of reality are made possible at the expense of others by the inner logic of the bureaucracy. Since a bureaucracy without a clear interest in threat expansion, unlike the police and the military, cannot pre-empirically be assumed to contribute to threat construction, the preferred method of inquiry is induction, to be as open and bottom-up as possible in finding the answers to what extent the bureaucracy contributes to threat construction, as well as how that extent has been made possible.

How to Analyze the Contribution to Threat Construction in a Bureaucracy without an Interest in Threat Expansion

The Extent of Contribution to Threat Construction: Problem Definitions and Policy Solutions

To achieve the aim of the dissertation, the first question that begs an answer is to what extent a bureaucracy without a clear interest in threat expansion actually contributes to threat construction. In order to assess this, a useful focus is on how the construction of reality is deeply implicated in the policies that the bureaucracy has a crucial part in producing.

First of all, the social construction of reality is inherent in policy making, since this involves assigning specific understandings of political issues (Barnett & Finnemore 1999, 699; Fischer 2003, 216). To capture these social constructions, the theoretical concept of framing is here applied. Studying framing means to examine how actors speak of and simplify objects, phenomena and events, thus providing a specific understanding of them (see e.g. Goffman 1974; Rein & Schö 1991; Rhinard 2010). Framing is hence about meaning construction (Benford & Snow 2000, 614). Although there are different ways to apply the concept of frames in policy research (further elaborated in the theoretical chapter), in this dissertation it is considered as the manifestation of actors’ systems of beliefs (Laws & Rein 2003, 174), rather than mainly the result of strategic action (see e.g. Rhinard 2010). The bureaucracy’s framing of an issue is therefore a clear indication of what it considers the truth. When studying framing, it is moreover useful to divide it into different types of framing. One type is diagnostic framing, which means that the actor identifies and defines a problem. A second type is prognostic framing, which means that the actor advocates certain policy solutions (Benford & Snow 2000, 615). Both the problem definitions, i.e. the diagnos-
tic framing, and the policy solutions, i.e. the prognostic framing, are considered important for this study, since both are key policy outputs of bureaucracies. How they are linked to each other is however far from clear, as evidenced by the literature on threat construction.

In the literature on threat construction and securitization, most scholars would probably agree that threat construction has, loosely speaking, to do with choosing policies that recognize an issue as threatening (to these I count e.g. Buzan, Wæver & de Wilde 1998; Bigo 2000; Huysmans 2006b; Boswell 2007; van Munster 2009; Balzacq 2011). There are, however, discrepancies between scholars when it comes to specifics. Even though two of the most prominent components of a policy are a problem definition and a policy solution, the relation between the two is problematic and under-theorized in the literature on threat construction. While the Copenhagen school does not explicitly discuss this relation, it implicitly assumes that exceptional policy solutions are preceded by a threat definition (the portrayal of an issue as an existential threat) (Buzan, Wæver & de Wilde 1998; Eriksson 2001, 10). In other words, to them the threat definition is the central feature of threat construction since it may lead to exceptional measures. This view is, however, problematic since it takes for granted that policy solutions logically succeed similar problem definitions, which is not necessarily the case. First of all, what policy-makers say is not automatically what they then actually do (Bigo 2000, 194). Moreover, several different possible policy solutions may appear even before there is a problem definition (Cohen, March & Olsen 1972; Kingdon 2003; see also Léonard & Kaunert 2011, 66-72). Policy solutions that single out threats could hence come about without problem definitions that portray the issue as a threat. Boswell, for instance, has noted that policy solutions on data utilization have come about without being preceded by official discourse (Boswell 2007, 606). It is therefore a mistake to only focus on problem definitions. Avoiding the Copenhagen school’s over-emphasis on threat definitions at the expense of policy solutions, Sjöstedt instead uses an approach in which actors have to put forth both a problem definition and a policy solution that recognize an issue as a national threat, in order to be categorized as threat construction by the researcher (Sjöstedt 2013, 146). This, however, again neglects that there may be policy solutions to counter threats even though no such problem definitions really exist, which means that one should not lump them together as one. Another reason to study both problem definitions and policy solutions separately is that they seem to be targeted towards partly different audiences, and thus further down the road they may affect the supposedly threatening issue in different ways. As some scholars have pointed out, problem defini-

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8 In fact, she does not use the term threat construction in the exact same way as I do, but favors the concept of "securitizing move" which she sees as initiating a threat construction (Sjöstedt, 2013: 146). At core, however, we refer to the same thing.
tions tend to be targeted more towards the general public, whereas suggested policy solutions are targeted only towards policy-makers (Balzacq 2005, 184-185; Roe 2008, 622). This means that problem definitions likely have a tendency to affect the supposedly threatening issue mainly indirectly by affecting public sentiments towards the issue, whereas policy solutions, if implemented, affect the threatening issue very directly (for further elaboration, see the theoretical chapter). They are hence both important, but in different ways. Consequently, there appears to be good reason to empirically separate the study of problem definitions and policy solutions, and in line with the inductive research approach, not pre-empirically take for granted that they correspond intuitively and logically to each other. Instead, the empirical analysis will show to what extent each of the two contributes to threat construction. They may or may not point in the same direction. Moreover, since the relation between problem definition and policy solution is so problematic and under-theorized in the literature on threat construction, a thorough empirical study of them both also provides a better theoretical understanding of how both operate and how each may contribute to threat construction, which is a secondary aim of the dissertation.

Thus far I have argued that social construction is inherent in policy-making, and that policy-making involves two equally important, but different, key outputs from the bureaucracy: the problem definitions (the diagnostic framing) and suggested policy solutions (the prognostic framing). What is now needed is pinning down how to determine if a policy issue is framed as being a threat or framed as being something else. In the IR literature, the social construction of a security threat involves bringing an issue into a security logic. Among scholars writing on threat construction and securitization, this process is in general described in either of two different ways: the politics of exception or the politics of unease (Huysmans & Buonfino 2008). In the politics of exception, which is similar to the Copenhagen school's definition of securitization, actors claim an issue to be an existential threat. If the issue is described as an existential threat, it can be said to be constructed as a security threat (Buzan, Wæver & de Wilde 1998). Critics of this definition have, however, pointed out that it misses how issues can be treated as a security threat even though they are not portrayed as existential threats per se (Bigo 2002; Bigo & Tsoukala 2008, 5; Sjöstedt 2008, 10). Instead, several scholars have described the process rather as a politics of unease, where an issue in a number of ways is described as highly risky and thus come to be associated with a thorough feeling of unease (Bigo 2002; van Munster 2009, 42; Huysmans & Buonfino 2008). In line with the inductive approach in this dissertation, I have chosen to leave it open to the empirics to see which of the two, if any, is present in the empirical material. To accomplish this, I use a broader definition of threat. According to this definition, a threat is a possible scenario that has negative consequences (Furustig & Sjöstedt 2000, 27). Hence, if the data studied indicates that an
issue is supposed to cause negative consequences, or that the policy solutions that are advocated imply that the issue has negative consequences, either in the form of existential threats or as being highly risky, it should be categorized as contributing to threat construction. It should, however, be stated that I do not take for granted that the issue is framed as a threat; it may just as well be something else entirely. The questions that result from the reasoning in this section are the following: How has the bureaucracy diagnostically and prognostically framed a certain issue? Do the frames correspond to each other? Do the frames contribute to threat construction? (All research questions are listed in detail below in the section on “Aim, research questions and contributions of the dissertation”).

While frame analysis provides a necessary and central part of the answer regarding the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats, it is not sufficient for a complete answer to it. It is a necessary part, because without knowing what frames the Commission has applied, there is no way of knowing to what extent it contributes to threat construction. Therefore, frame analysis should be given ample space to be analyzed in depth. Frame analysis is nonetheless not sufficient to fulfill the aim of the dissertation, since it does not provide an answer to how that contribution’s very extent is made possible by the inner logic of the bureaucracy, a question to which it is now time to turn.

How Certain Frames are authorized by the Inner Logic of the Bureaucracy

This question is concerned with how the bureaucracy’s framing is made possible. How is it that the bureaucracy applies certain problem definitions over others, and how does it select which policy solutions it prefers, at the expense of others? In the general policy literature, studies of the bureaucracies’ role in policy-making are commonplace. Unsurprisingly, there are also a variety of approaches to study it, which is further elaborated in the theoretical chapter. Suffice it here to state that the approach chosen for this dissertation is one that focuses on the importance of the inner logic of the bureaucracy, rather than merely focusing on external events or competition between rational bureaucratic departments (“bureaucratic politics”). The question of how the inner logic of the bureaucracy authorizes certain problem definitions and policy solutions over others is addressed by studying what is normal conduct in the bureaucracy, since this is what makes it understand and treat a policy issue in one way rather than another. Important here are the normal habits of thought and action (Laws & Rein 2003, 179). This means that the researcher should study such things as socialization within the bureaucracy,
how the bureaucracy is organized, what is valued there, how it normally acts and which actors are powerful. Regarding power, it is important to bear in mind that power (symbolic and material) holds a key place for the production of policy and hence the construction of reality. As already pointed out, some actors are more privileged to construct reality than others, and thus the analysis should direct special attention to what it is that makes certain actors powerful. This is done by analyzing what constitutes power in the bureaucracy, how power is distributed and how struggles for power have shaped how the bureaucracy understands and wishes to address certain issues. Moreover, since research on bureaucracies has often noted that people working in them tend to be clustered around shared areas of expertise (Peters 2010, 199), attention should also be given to the relations between these groupings within the bureaucracy and how they affect what frames that are most commonly used.

Even though it is vital to analyze power and power relations within the bureaucracy in order to understand how certain frames are authorized over others, one should not take for granted that power equals intent. Although some actors play a greater role than others for how a certain issue is understood and handled, this is not necessarily the result of active intent, though it can be. It may, however, be just as likely that a specific construction of social reality is largely an unintended consequence, as Burr has noted.9 Often, people do not act out of purposeful intent, but in accordance with routines and what seems natural in a specific situation or setting. Also this kind of conduct may result in threat construction (cf. Burr 1995, 84). Better than pre-empirically assuming that there is intent or not is leaving open the question of whether actors contribute to threat expansion intentionally or unintentionally (if they in fact contribute to it at all) (cf. Ekengren 2002, 21). This also brings again to the fore the importance of analyzing aspects of

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9 The concept of unintended consequences, or unanticipated consequences, was first coined by Merton in 1936. He argues that purposive social actions often have unanticipated consequences, i.e. effects that were not foreseen when the decision to act was made. These unintended consequences are not necessarily negative (Merton, 1936). The concept of unintended consequences is useful for this dissertation in so far as it shows that the contribution to threat construction is not necessarily a rational outcome that actors had an interest in accomplishing. The difference between how the concept of unintended consequences is used in this dissertation and how Merton used it is that he, not surprisingly given that the text was produced already in the 1930s, did not mention the social construction of an issue as an unintended consequence. One may however argue that he was not that far from it when arguing that unintended consequences may affect persons by having an effect on social structure, culture or civilization (Merton, 1936: 895). Another difference is that Merton stresses unintended consequences as the outcome of purposive action, which he specifies as “action which involves motives and consequently a choice between various alternatives” (Merton, 1936: 895). Though Merton stresses that actors’ purposes are often not very clear, and often quite habitual (Merton, 1936: 896), which I would agree with, the social construction of reality can still never be reduced to being merely a result from actors’ active choices between firm and clear alternatives.
behavior in the bureaucracy where intent is not necessarily at the center of attention, but where tacit legitimacy is provided by the inner logic of the bureaucracy. Such aspects include the role played by standard operating procedures, habits, and shared dispositions within the bureaucratic organization.

To be able to capture the inner logic of the bureaucracy, with all its patterns of socialization, values, dispositions, standard operating procedures and power relations, I argue that the Bourdieusian concepts of field, capital and habitus are highly suitable. The notion of field highlights that the bureaucracy is a world of its own (though partly included in e.g. the larger security field), with its own particular issues at stake, its own power hierarchies among participants, and that the bureaucracy has been shaped through historical struggles between these participants. The concept of capital shows that power not only equals economic capital, but also symbolic capital, and indicates the importance of studying which actors are considered legitimate framing actors and on what grounds. Last but not least, the concept of habitus captures the participants’ shared dispositions, which tend to make them act in a quite regular pattern and thus lead to certain framings over others (for further elaboration, see theoretical chapter). The main question that needs to be posed is thus: How are certain frames authorized by the inner logic of the bureaucracy? More specifically, this entails asking: How has the bureaucracy developed as a field? What is at stake in the bureaucracy? Which are the participants? How have power struggles shaped the bureaucracy? How is symbolic and material capital distributed in the bureaucracy? What habitus do we find in the bureaucracy, both shared across the bureaucracy and shared within certain groupings within it?

The Case of the European Commission and Irregular Immigration

The Commission: A Bureaucracy without a Clear Interest in Threat Expansion

As a case of a bureaucracy without security dispositions and no clear interest in threat expansion, the empirical analysis studies the European Commission (hereinafter “the Commission”) and its framing of the issue of irregular immigration.

The decision to study the Commission is based on it matching very well the characterization of a bureaucracy without a clear interest in the expansion of threats. For one, it is made up of many separate departments,
Directorates-General (DGs), with very different ideological agendas and often conflicting views on how to do things (Abélès, Bellier & Mcdonald 1993; Cram 1994; Cini 1996, 129-131; Nugent 2001; Kassim 2003, 159; Smith 2004, 4; Boswell 2008; Christiansen 2006; Rhinard & Boin 2009; Stevens & Stevens 2001, 196-205). The DGs cannot be assumed to act in concert on such a thing as the promotion of threats, since they likely often disagree on problem definitions and on preferred policy solutions to specific issues. This means that the Commission as a whole cannot easily be presumed to have a clear direction towards threat expansion. Instead, it highlights the need to study relations within the Commission, for instance, to analyse how DGs differ from each other on this matter, and which DGs are influential in shaping the Commission’s stance on specific issues (in this dissertation the issue of irregular immigration). Moreover, it cannot be taken for granted that the Commission as a whole would gain in the same way from a threat expansion as the police and the military, since its mission is not tied to providing security, which also means that it does not have any “inherent” security dispositions. More threats do not necessarily lead to more Commission or more EU. For instance, the fear of increased immigration that surfaced in France and Denmark during the Arab spring of 2011, did not lead to these countries calling for more EU, but on the contrary for less in so far as they opposed established Schengen rules and enhanced their border controls, much to the aggravation of the Commission. Hence, the Commission does not have a clear interest in constructing more threats, and even if the Commission would gain more power from a threat expansion (for instance by successfully claiming that to counter the threats more common European measures are required), there are, as Boswell noted, other conflicting goals in a bureaucracy than the expansion of power. Bureaucracies also seek to avoid uncertainty and adhere to routines, and there is no reason to believe that these goals are any lower in the Commission than elsewhere.

In addition to this selection based on theoretical arguments, the Commission is also one of the most influential bureaucracies in the EU, as is so aptly captured by its nickname “the engine of Europe” (Hooghe 2005, 863-864) or the “engine of integration” (Nugent 1995, 609-610; Pollack 2003). Its position is right “at the very heart of the EU’s system of governance”, where it exercises a considerable influence over policy, even on policy matters where the treaties do not so stipulate (Nugent 2001, 2, 10, 15). Though very present at every step of policy-making in the EU (Nugent 2001, 10), due to its role as policy initiator it is importantly the main actor during the stage that precedes the legal decisions taken by the European Parliament and the Council. As Christiansen & Larsson formulate it, this provides the Commission with the power to somewhat “pre-decide” an issue (Christiansen & Larsson 2007, 4). Research has also acknowledged that the Commission in general enjoys relatively more influence over policy compared to politicians than do regular bureaucracies in nation states (Radaelli 1999) and
Robert has shown that it is not a neutral public administration although it may so pretend, but is on the contrary very active in “doing politics” (Robert 2004). Taken together, there can be no doubt that the Commission is very prominent in policy-making, and thus is particularly suitable for a study where the bureaucracy’s problem definitions and policy solutions are a core interest. In addition, it is known for being influential in spreading bureaucratic policy agendas across its member states (Peters 2010, 199), which means that its ideas are often spread over Europe. Moreover, it is relatively little exposed to either public opinion or media scrutiny (Boswell 2008, 494) and therefore should be able to act more on its own terms, not least through demands from its own internal organization. The Commission is hence not only an influential bureaucracy which gives it significant power to construct reality, but also one that relies to a large extent on its own internal organisation to formulate that reality, which makes it an especially fruitful case for this study. Selecting the Commission as a case for this study also contributes to Barnett & Finnemore’s longstanding call for more attention to be directed to international bureaucracies and their internal workings and effects on the social world (Barnett & Finnemore 1999, 726).

Despite all these reasons for studying the Commission, the literature on threat construction and/or the framing of immigration has so far not given it sufficient attention. Although some clues have been provided in studies of developments at the EU level, they have tended to be piecemeal, in the margins and not focusing on the Commission per se (see e.g. Favell 2000; Guiraudon 2000; Geddes 2008; van Munster 2009). It has moreover been claimed that the Commission is in opposition to the Council’s zero immigration approach (Monar 2002, 201; see also COM(2000)757), which should be further explored. Hence, this study fills an important void.

Irregular Immigration: A Prioritized Policy Issue in the EU

The issue of irregular immigration has been selected for this case study on the basis that it is a policy issue that, while not being a traditional security threat (as wars, terrorism, etc.), it is still fairly likely to be considered a threat. Irregular immigration is such an issue since it is the most likely part of the overall immigration issue to be constructed as a threat, and there are several scholars that have highlighted that a range of Western societies today have a tendency to view immigration through a security lens, by claiming immigration to be some kind of threat (see e.g. Guiraudon 2003; Huysmans 2000; 2006b; Mitsilegas, Monar & Rees 2003; Tsoukala 2005; Van Munster 2009). An early example is Wæver et al. who in 1993 published a book

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10 All categories of immigrants, e.g. labor immigrants, refugees/asylum-seekers, and irregular immigrants, are however often very intertwined in EU policy (Hansen, 2008: 17). For instance, when there are policy changes towards one of them, there often are changes also in the
discussing how some actors perceive of immigration as a threat to their common identity, and thus a threat to what the authors call societal security (Wæver et al. 1993; Heisler & Leyton-Henry 1993; see also Buzan, Wæver & de Wilde 1998). The observation that immigration is often felt to be a threat to a common identity is supported by a number of scholars. Buonfino, for example, argues that the reason that the security discourse on migration is influential in European states is because it gives the impression of a stable and legitimate identity among citizens against the perceived “Others” (Buonfino 2004, 48). Aradau sees in France a similar pattern of security discourse on migration, as well as an institutionalisation of this discourse (Aradau 2001). Immigration is, however, not only seen as a threat to a common identity. In much research, it is also acknowledged that immigration is often perceived of as linked to, for instance, terrorism, crime, unemployment, and religious extremism. It is much rarer that it is seen as something positive (Bigo 2002, 64; see also Tsoukala 2005). Huysmans has also shown how migrants have been portrayed as threatening national identity and the welfare state, and how this is related to how immigration has been viewed as a European internal security problem in the EU integration process (Huysmans 2000; 2006b). Abiri has argued that refugees and asylum applicants were seen as potentially threatening to national and international security in Swedish official discourse in the 1990s (Abiri 2000). Some of the reasons suggested for why this trend of seeing immigration as a threat has emerged have been ethnocentrism and structural racism (Ibrahim 2005, 163), a willingness to create a scapegoat for socio-economic decline in Europe (Tsoukala 2005, 166-167), a way to produce a common European identity by isolating a common threat (Tsoukala 2005) and a need to find a new or enhanced raison d’etre for security professionals such as actors within law and order and the military (Bigo 2000; Guiraudon 2000). Many scholars have also argued that states tend to rely on policy measures based on restriction and law enforcement (Kostakopoulou 2000) as well as repression and control (Bigo 2000). Moreover, the tendency to consider immigration as a threat is not limited to Europe, but seems to be a rather general trend across Western societies, as evidenced by research also on e.g. USA (Doty 1998), Canada (Ibrahim 2005) and Australia (Tazreiter 2002).

At the same time, there are exceptions to the trend. One case in point being Sweden, where politicians have actually recently increased the social rights of asylum-seekers and irregular immigrants. As should be noted, however, Sweden has simultaneously actively tried to make it more difficult for asylum-seekers to reach the state’s territory (Andersson & Nilsson other. Despite this intertwining, I have chosen to highlight the policy specifically on irregular immigration, since this category still is most likely to be constructed as a threat, and therefore is the most suitable for a study of threat construction.

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11 This finding has led some commentators to use the epithet of “fortress Europe” (for a discussion, see e.g. Peers, 1998; and Geddes, 2008: 28-31).
Sweden hence seems to both follow the trend and go against it, which indicates that immigration is actually quite a contested issue. Supporting this impression is Lavenex’s research, which has shown how EU asylum policy displays a tension between a human rights approach and an internal security approach (Lavenex 2001). In light of all the mentioned research on immigration, it is probably quite safe to infer that immigration often tends to be seen as a threat in the West. However, as the example of Sweden and the research of Lavenex suggest, the tendency is not absolute or without exceptions and contradictions. Therefore, I argue that it is a policy issue that is quite likely to be constructed as a threat, but at the same time a contested issue where we cannot know pre-empirically how and to what extent threat construction is present. I think this is especially the case for the issue of irregular immigration, which within the broader issue of immigration is the most likely part to be constructed as a threat, while at the same time being greatly contested as to what it essentially entails (threat or something else?) and how it should be handled (repressive measures or social rights?). A further sign of this tension is a recent Eurobarometer survey, in which those respondents who considered such issues as climate change, natural disasters and nuclear disasters important security challenges were fewer than those who considered irregular immigration an important security challenge. The issue of irregular immigration thus seems to resonate with some kind of fear, at least to parts of the EU population. Even so, the percentage of the respondents that believed irregular immigration to be an important security challenge were only 16%, which shows that they still represent a clear minority. This supports the claim that irregular immigration is a contested question, which again makes it suitable for a study of threat construction. Hence, it should be clear that the issue of irregular immigration is useful for the theoretical aim of this dissertation.

In addition to the theoretical advantages of using irregular immigration for this case study, the dissertation also makes an important empirical contribution. The EU policy on irregular immigration, in contrast to EU policy on other forms of immigration, is namely today quite overlooked in Political Science and IR. This is so despite the fact that irregular immigration in recent years has become a top priority in many countries of the West, 12

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12The Eurobarometer survey asked what respondents thought were the most important challenges to the security of EU citizens at the moment. It showed e.g. that war and civil war were considered an important challenge to EU citizens’ security by 7% of respondents (and even fewer, 4%, when the question was if war or civil war was a challenge to the security of their own country’s citizens). In contrast, irregular immigration was considered an important challenge to the security of EU citizens by 16% of respondents (and by 13% when asked to the security of their own country’s citizens). This ranked it number 5 out of 15 possible. The threats that were perceived as more acute were economic and financial crises, terrorism, organized crime and poverty (European Commission (2011) MEMO/11/829, “Eurobarometer survey on internal security: the economic crisis and terrorism top the agenda”, Brussels, 25 November 2011).

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including the EU (see e.g. Triandafyllidou & Ilies 2010, 26; see also e.g. COM(2002)703, p. 4), and that the number of EU policies introduced towards irregular immigration is constantly growing. Though there is, of course, some research on irregular immigration, it often consists of edited volumes that cover policies and politics from a number of countries at the same time, which makes it focus less on EU policies per se (see e.g. Düvell 2006; Berggren et al. 2007; Triandafyllidou 2010). The ones that do study EU policies specifically are few (e.g. Cholewinski 2000; Samers 2004; Triandafyllidou & Ilies 2010), and none of them have focused on how EU policies emerge in the Commission. Even though the Commission’s competence is far-reaching in the area of irregular immigration, and has so been at least since the issue’s transfer to the first, supranational, EU pillar in 1999, there is no thorough analysis of the Commission’s role in shaping the EU policy towards irregular immigration. This is an important neglect, not least since the EU policy on irregular immigration affects a large number of irregular immigrants, i.e. foreign persons that enter or reside in an EU state without formal permission from that state’s authorities. The number of real and potential irregular immigrants is obviously impossible to establish, but recent estimates suggest that there may be between 1.9 and 3.8 million irregular immigrants residing in the EU (Vogel 2009, 4). To understand how the policies towards them are shaped, is hence no doubt important. This dissertation takes important steps to do exactly that when studying the Commission’s framing of irregular immigration, and how its internal logic affects this framing.

As a search in the archives of the EU website reveals, the first time that irregular immigration (or any of its synonyms) was mentioned in any of the Commission’s main documents, the so-called Commission communications, was in 1974. The analysis of the Commission’s framing of irregular immigration therefore starts with that date. It ends at the end of 2009, the last year of the Nice Treaty.

Aim, Research Questions and Contributions of the Dissertation

Summing up the introductory chapter, it should by now be clear that many of the bureaucracies that are influential in policy-making do not plainly stand to gain from a threat expansion and do not have the same strong security disposition as the police and the military do. Therefore, the aim of this dissertation is to analyze the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats (in contrast to the police and the military). It does so by studying the case of the Commission and the issue of irregular immigration. In a first stage, this in-
volves an analysis of which constructions of irregular immigration that the Commission is generating and to what extent these contribute to threat construction, which we cannot take for granted that the Commission does. This is done by using frame analysis. In a second step, it also comprises an analysis of how certain constructions of irregular immigration are authorized at the expense of others by the inner logic of the Commission. This is done by using a Bourdieusian framework for analysis. Analyzing these issues contributes to the study of threat construction and securitization by providing insights, not only on how threat construction may emerge and change in the absence of clear bureaucratic security dispositions, but also what role that the internal bureaucratic logic plays for the contribution to threat construction.

In addition, I present in this dissertation a novel way to analyze threat construction. It considers threat construction along two dimensions of policy frames: firstly, diagnostic frames (problem definitions) and secondly, prognostic frames (policy solutions). Parting threat construction into these two dimensions furthers the study of threat construction and securitization by providing scholars with the ability to systematically examine the character and extent of threat construction and whether the two dimensions possibly differ from each other, as well as to study if the two dimensions follow different bureaucratic logics. This makes us wiser regarding how threat construction actually works on a more detailed level.

The research questions that guide the empirical analysis are:

1) How has the Commission framed the issue of irregular immigration 1974-2009? This answers to what extent the Commission contributes to threat construction, by assessing it along two dimensions of frames.
   a. What diagnostic frames (problem definitions) have been used? Do they contribute to threat construction?
   b. What prognostic frames (policy solutions) have been used? Do they contribute to threat construction?
   c. Do the diagnostic and prognostic frames correspond to each other?

2) How are certain frames authorized by the inner logic of the Commission?
   a. How has the Commission developed as a field in relation to the issue of irregular immigration?
      i. What is at stake in the Commission?
ii. Which are the participants on the issue of irregular immigration?

iii. How have power struggles shaped the Commission and its framing of irregular immigration?

b. How is symbolic and material capital distributed in the Commission?

c. What habitus do we find in the Commission, both shared across the Commission and shared within DGs?

Question one, which deals with the Commission’s framing of irregular immigration since the 1970s, treats the Commission as a whole since this is how it produces its Commission communications – as one, together across DG lines. In question two, which concerns the Commission’s inner logic, the black box of the Commission is, however, unpacked in order to analyze how this has authorized certain frames over others. The process of making the communications is namely a process where the DGs, with their different cultures and standard operating procedures, tend to have differences of opinion and follow different modes of conduct, which need to be closely analyzed. The possible threat construction may thus be visualized:

| Threat Construction in a bureaucracy without an interest in threat expansion |
|---|---|
| **Extent of contribution to threat construction** | **How frames are authorized by the inner logic of the bureaucracy** |
| Assessed along two dimensions of policy:  
  - Diagnostic frames (problem definitions)  
  - Prognostic frames (policy solutions) | The inner logic of the bureaucracy:  
  - Field developments (Participants, Issue at stake; Historical struggles for power)  
  - Distribution of Capital (Power relations)  
  - Habitus (Shared dispositions) |

In addition to the theoretical contribution to the literature on threat construction, which has hitherto importantly overlooked the role of bureaucracies without an interest in threat expansion, the study also makes an empirical contribution. In spite of the Commission’s extensive competence in the area of irregular immigration, there is to date no studies on its role in shaping the EU policy on irregular immigration, which the analysis of the framing and the internal logic significantly contributes to. Given that irregular immigrants according to estimates consist of a few million of the EU’s inhabitants, and that EU policies towards irregular immigration are importantly increasing in number, this needs to be remedied.
Due to the comparatively little pre-understanding that I am trying to bring with me to the study, an inductive research method is applied.\textsuperscript{13} Hence, no pre-empirical expectations are formulated as regards the presence of threat frames in comparison to other kinds of frames, or if diagnostic and prognostic frames correspond to each other, if there is intention or unintended consequences, and, if present, whether threat frames express a politics of exception or a politics of unease. Moreover, I do not pre-empirically formulate expectations of who may be a powerful framing actor in the Commission and on what grounds. Instead, the empirical analysis gives me the answers.

Outline of Dissertation

The next chapter, chapter two, discusses the theoretical background and presents in more depth the theoretical concepts that are used for analysis. Chapter three describes the methods and data employed in the empirical analysis, whereas chapter four provides empirical background knowledge on irregular immigration and the Commission’s formal standing in relation to the Council and European Parliament. The latter is provided so as to equip the reader with some familiarity with the empirical subject of the dissertation, which may facilitate the reading of the subsequent empirical investigation. Chapter five thus is the first empirical chapter, and it analyzes how the Commission has diagnostically framed irregular immigration during 1974-2009. In the following chapter, chapter six, the question of how it has prognostically framed it between the same years is answered. Having determined the framing of irregular immigration, the dissertation, in chapter seven, moves to analyze how some frames are authorized at the expense of others, by the inner logic of the Commission. It ends, in chapter eight, by discussing the conclusions that are drawn based on the empirical findings.

\textsuperscript{13}This obviously does not mean that I go out in the world completely without pre-knowledge or expectations. My pre-knowledge is, for instance, where to look (the bureaucracy), what concepts to pay special attention to, etc. I do not, however, formulate expectations on how they will play out.
This chapter presents the theoretical points of departure for the dissertation as well as the theoretical concepts that guide the empirical analysis. As such, it theoretically discusses, firstly, the concept of threats, threat construction and securitization. It secondly theorizes how one should study the extent of threat construction by using frame analysis. Thirdly, it argues that a useful way to study how certain frames are authorized by the inner logic of the bureaucracy is to apply the Bourdieusian concepts of capital, field and habitus.

The Concept of Threat

The concept of security threat is a key notion, not only in this dissertation, but also in the study of IR at large and in its sub-group of security studies. Nevertheless, what constitutes a security threat and how it should be studied, varies significantly among scholars dedicated to the subject. If one asks scholars that can be characterized as being part of the realist or neo-realist school of IR, the ultimate security threat is war, which is seen as endangering the territorial integrity and survival of a state. The severity of a threat can be objectively assessed by, for instance, measuring the weapons arsenals of rival states (see e.g. Morgenthau 1967; Waltz 1979; Walt 1987; Mearsheimer 2001). While realism and neo-realism were basically paradigmatic among IR scholars during the Cold War, by now there are plenty of books and articles having both described and argued in favor of a broadened perspective to security studies (see e.g. Buzan 1991; Krause & Williams 1996; Krause & Williams 1997; Buzan, Waever & de Wilde 1998; Wyn Jones 1999). These authors have all discussed the move away from the focus on war as the number one security threat to a widened perspective including several possible threats. The move can arguably best be described as having had two main directions. The first one holds that threats (and security) are not merely a question of military strength and hence should not be reserved for research on the military sector, but should also be sought in other policy sectors, for instance the societal and economic sectors. Buzan’s classic “People, States and Fear” from 1991 represents a key work in this research direction. The
broadened security agenda, however, only discarded the state-centred ontology of the realist approaches but kept the objectivist epistemology, which claimed that threats could be objectively determined. Thus, even though it moved away from the narrow focus on military threats, this direction of thinking held on to the same objectivist foundations as the realist schools. In contrast, the second research direction, which has emerged ever stronger (especially in Europe) after the Cold War, not only seeks to trace the politics of threats and security in policy sectors other than the military, but has also left behind the objectivist epistemology in favor of a more intersubjectivist one. This is the constructivist approach, which holds that security threats as such are socially constructed.

The Social Construction of Threats

Constructivism

In contrast to the objectivist approaches to security studies, social constructivism stresses intersubjectivity in the shaping of a social reality. This means that the concept of threat cannot be objectively defined. Issues that were not previously regarded as being threats to society can move into a security logic through a threat construction process (Huysmans 2006b; Buzan, Wæver & de Wilde 1998; Eriksson 2001). Though constructivist security scholars differ quite significantly among each other in terms of how they “apply” their constructivism, they share an anti-essentialist understanding of the world, and more specifically they highlight the social construction of knowledge and the construction of social reality (Adler 2002, 95). What this means is that constructivists reject immediate objective knowledge about the world and instead claim that the world around us can only be understood through the categories we use to interpret it. “Objects of our knowledge are therefore not independent of our interpretations and our language”, as Adler puts it (Adler 2002, 95). Researchers should therefore take a critical position towards taken-for-granted knowledge (c.a.s.e. collective 2006, 476). If one takes the example of threats, from a constructivist horizon these simply can-

14 While there are common traits to the constructivist branch of the IR/security literature, there are also substantial dividing lines. One important dividing line has to do with how far-reaching one takes the claim that reality is socially constructed. Constructivism may be divided into “constructive realism” and “constructive idealism”. In the former “the agent has an epistemic but not ontological influence, that is, knowledge is constructive in nature, but the existence of the world does not depend on the existence of an agent”. In the latter view, the agent instead “has both an epistemic and an ontological influence on the known world” (Ben Ze’ev, 1995: 50). The difference is hence quite considerable. For further discussions on the various forms of constructivism, see e.g. Adler (2002); Christiansen, Jørgensen & Wiener (2001); and Smith (1999).
not be objectively determined. Just because a certain issue may be deemed an obvious threat at a certain time and in a certain society, for a constructivist there is essentially nothing obvious about it. Instead, the constructivist will highlight the cultural, political and/or historical processes that molded our view of that issue into being considered a threat. How we see the world and what we hold as true is namely constantly shaped through social interaction. However, it should be stated that just because our view of reality is constructed does not mean that it is easy to change. On the contrary, it is quite durable. Therefore, at any point in time and at any place in space, some practices are seen as natural while others are unimaginable (Burr 2003, 2-5). This means that, as Winther Jørgensen and Phillips point out, “the social construction of knowledge and truth will have concrete social consequences” (Winther Jørgensen & Phillips 2000, 12). Thus, when something is seen as being the truth, this will have effects. For example, if an issue is understood as being a security threat, one social consequence will be that the issue is sought to be combated or intensely controlled (see e.g. Buzan, Wæver and de Wilde 1998; van Munster 2009, 10). In sum, threats do not exist independently of our understanding of them as such.\textsuperscript{15} To understand how they come to be considered as threats is therefore very important, and to this we now turn.

The Concept of Securitization and the Critique against It

To understand how threat construction works, it is helpful to start out by presenting the notion of securitization. The Copenhagen school launched what was soon to become a highly influential framework for constructivist security analysis when it introduced the concept of securitization.\textsuperscript{16} Securitization signifies the process that brings an issue from normal politics into a security logic. More concretely, securitization is defined as when an issue in speech or writing officially starts being portrayed “as an existential threat, requiring emergency measures and justifying action outside the normal bounds of political procedure” (Buzan, Wæver & de Wilde 1998, 24; Wæver

\textsuperscript{15} That threats do not exist independently of our understanding of them is not to deny that they may have a material side. Bombs, for example, exist independently of our understanding of them. There is, however, nothing that says that they will be inherently viewed as a threat. They may instead be viewed as a tool for liberation.

\textsuperscript{16} The label of the “Copenhagen school” was first used by McSweeney (1996) and refers to a loose group of security scholars, with Buzan and Wæver at its core, that take a special interest in securitization from a speech act perspective. In subsequent years, others have attached a “school” label also to other approaches that fall within the category of critical security studies: the Paris school, which revolves around Bigo, and tends to use a Bourdieu inspired sociological framework for analysis, and the Welsh school/Abertystwyth school, which focuses on emancipation and with Booth and Wyn Jones as two key figures (Wæver, 2004; c.a.s.e. collective, 2006; Van Munster, 2007; Floyd, 2007).
1995; 1997; Buzan & Wæver 2003). Being based on Austin’s speech act theory, the idea is that the very act of naming something a security threat turns it intersubjectively into that (Wæver 1995, 55). By invoking the term “security” or declaring an issue an existential threat, actors trigger a process where issues are handled outside normal politics. According to Eriksson, securitization implies “the power politics of a concept” (Eriksson 1999, 315). In this perspective, language thus is very powerful. The most profound contribution of the Copenhagen school is arguably that the concept of securitization clearly depicts that issues become security threats through a social process. This aside, it has experienced much critique from a number of other constructivist scholars. A forceful and convincing critique argues that the Copenhagen school focuses too much attention to language at the expense of contextual factors (Bigo 2000; Balzacq 2005; 2011, 19; Huysmans 2006b; Stritzel 2007; 2012; MacDonald 2008; Villumsen Berling 2011; Sjöstedt 2010). Contextual factors are necessary to study since they set the foundation for how influential utterances can be, whether or not they will be powerful enough to turn an issue into being considered a security threat, i.e., to construct a threat. There are different ways for research to highlight the importance of the context. One way is to emphasize the role of the audience (see Balzacq 2005; 2011; Léonard & Kaunert 2011). One part of this critique is linked to how the limited focus on language makes the Copenhagen school largely neglect power analysis. This neglect may be a result of its reliance on speech act theory. The criticism of speech act theory runs effectively from

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17 Curiously, even though the Copenhagen school argues that threats are social constructs, it keeps an almost similar sectorial division of security sectors and referents, to that of the earlier objectivist broadened security agenda. It hence enumerates the following security sectors and their referents: military sector – the state is the referent; political sector – sovereignty is the referent; economic sector – the national economy is often the referent; societal sector – collective identities are the referents; and in the environmental sector the referent object is, for instance, specific species or habitats (Buzan, Wæver & de Wilde, 1998: 22-23). According to the Copenhagen school researchers, the sector where immigration is most likely to be constructed as a security threat is in the societal sector, when members of a common identity perceive themselves threatened through dilution or corruption of their unique community (Buzan, Wæver & de Wilde, 1998; Wæver et al. 1993). One critique raised from other constructivist approaches against the Copenhagen school concerns its commitment to security sectors and the fact that linking a sector to one specific threat and referent inevitably reifies this link (Huysmans 2006a, 11-12). Krause & Williams have expressed concern about the connection the Copenhagen school has made between society and identity, and argued that through this link “identity” becomes the security concern of a “society”, which makes both fixed objects rather than changing ones (Krause & Williams 1996, 244). While this is a fair remark, it should at the same time be noted that all researchers, constructivists or not, studying an issue from a security perspective, run the risk of reifying a link between the two objects of study. Nevertheless, to minimize the damage one should probably at least avoid drawing close to static links between a threat and a referent, such as the ones made in the sectorial divisions of the Copenhagen school.

18 It has also experienced a considerable amount of critique from non-constructivist scholars, but that is of less interest for this study.
Bourdieu to Huysmans, Bigo, Aradau and others. Their shared line of reasoning is that not everyone can “speak security” effectively. Not everyone participates on an equal level in the threat construction game, which means that some have more power to construct threats and that not everyone can effectively challenge an existing threat construction. Instead, a successful securitization is dependent on the social conditions surrounding the statement and the position of the person producing the statement (Bigo 2000, 194-195; 2002, 73-74; Aradau 2001; Guzzini 2006, 11-12; Huysmans 2006a). In all fairness, it should be pointed out that proponents of the Copenhagen school have actually briefly mentioned that some actors are in a better position to name issues security threats than others (Buzan, Waever & de Wilde 1998, 31-32). However, their critics are right in the sense that power analysis is not at the core of the securitization perspective as developed by the Copenhagen school, and because of this it misses that power relations are deeply embedded in the social construction of a threat. There is hence a need to embed the study of what is uttered linguistically in an analysis of the speaker’s authority.

Adding Power and Bureaucracy to the Analysis

Power is a concept that has been interpreted in a variety of ways (see e.g. Lukes 1974; Guzzini 2005). Without going into that debate, it seems as though a useful approach to power for this study is one that acknowledges the power of language, but at the same time, links it to the power of actors. Moreover, it is valuable if the understanding of power is one that recognizes different forms of power, not only material or formal power, but also non-material and tacit and informal (for further elaboration, see section of Power as Capital). In addition, it should be able to highlight how that power is supported, or challenged, by features in its immediate surroundings. Using a Bourdieu-inspired theoretical framework captures all these aspects. One who has done so extensively is Bigo, who has applied Bourdieu’s theory of fields to study the security policy field. According to this approach, actors can be considered powerful if they hold a large amount of the kind of capital that is valued in the security policy field, be it material or symbolic. The actors that do so have the power to transform an issue into a security threat. Threat construction is the outcome of struggles between different actors in the field (be they small groups or large institutions) over what is to be considered the truth (Bigo 2002, 74). There are many actors that are part of the security policy field, and several have been studied in the security literature, not least politicians (see e.g. Huysmans & Bounfino 2008) and the media (Tsoukala 2005, 180). Bigo has, however, stressed the key position of the bureaucratic and administrative agencies in the field, and has thus highlighted the importance of the routines of those handling security policies continu-
ously on a day-to-day basis (Bigo 2002, 73). By arguing that “the security professionals”, such as actors within law and order and the military, possess the most symbolic capital in the security field and are used to look at issues from a security perspective, Bigo has chosen to empirically focus on these administrative agencies (Bigo 2000; 2001a). In doing so, he has, for example, been able to show how it has been in the interest of the police and the military to expand the types of threats on its radar after the end of the Cold War. He has also argued that it has been in their interest to create or increase the links made between immigrants and insecurity, which would continue the need for protection delivered by themselves, which would in turn ensure their continued power (Bigo 2000; 2002, 64-65).

Though in many ways insightful, Bigo’s studies of the military and police are problematic as a case of how the bureaucracy constructs threats. There are many powerful bureaucracies involved in policy-making in the security policy field, and though they are important, the military and the police are only two of them. Boswell has, for instance, pointed out that a bureaucracy like the immigration authorities, which possesses a significant amount of capital when it comes to immigration policy, cannot simply be assumed to have an interest in expanding the number of threats. While the broadening of threat perceptions may be in the interest of police and military, she emphasizes that other bureaucracies normally have very ambiguous organizational interests, and that Bigo’s ideas about how police and military can just march into other policy areas, like immigration policy, are therefore highly questionable. In addition to the goal of expanding their power, bureaucracies usually seek to avoid uncertainty and to ensure support from members of the organization by adhering to the routines of that bureaucracy. Thus, there is no reason to believe that these bureaucracies, with such ambiguous goals, would simply buy the security professionals’ broadening of threats (Boswell 2007). Boswell’s argumentation is compelling. Bureaucracies other than the police and the military cannot be expected to act just as predictably towards more threat construction. It cannot be taken for granted that they are “securitization actors”, i.e. that they construct more threats. That said, neither can it be taken for granted that they are not. Ambiguous interests and goals are no guarantee for threat construction not to appear, although the road there may not be as linear as is the case with the security professionals. Despite the ambiguous goals, the bureaucracy can still be expected to act in accordance with an identifiable pattern; a certain “logic” to speak with Bourdieu (1994), and this pattern may or may not contribute to threat construction. There is thus a need to analyze the contribution to threat construction by a bureaucracy whose interests and dispositions are not to

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19 For her conclusion that bureaucracies have many different goals, she relies on new institutional organization theory and the works of Scott (1995); DiMaggio and Powell (1991) and March and Olsen (1994).
expand the number of threats, which is the main aim of this dissertation. While this question should be studied first empirically, it can in a second step provide significant theoretical insights on how threat construction may work in a bureaucracy without a clear interest in threat expansion.

Theorizing the Extent to which the Bureaucracy Contributes to Threat Construction

To analyze the contribution to threat construction in the said kind of bureaucracy, one needs first to know how to determine the character and extent of threat construction. In this section, I argue that such an assessment should be based on a study of which problem definitions (diagnostic frames) are employed, as well as which policy solutions (prognostic frames) are advocated by the bureaucracy. I also argue that an inductive research method is appropriate.

Threat Construction as Problem Definitions and Policy Solutions

Over the last few decades, policy studies have seen a growing line of work committed to interpretative analysis. Policy-making is, in this kind of research, seen as something that produces meaning. As Fischer puts it: “(…) policy politics is itself about establishing definitions of and assigning meaning to social problems” (Fischer 2003, 216). Defining problems and their solutions are therefore important elements of the social construction of political issues and how they are understood. According to Bourdieu, state bureaucracies are very significant such producers of what comes to be accepted as social problems (Bourdieu 1994, 2).

A fundamental concept in this dissertation is threat construction, and the question of whether the bureaucracy constructs irregular immigration as a threat. Threat construction is in broad terms present if the actor (here the bureaucracy) uses or advocates policies that represent an issue as threatening (see e.g. Buzan, Wæver & de Wilde 1998; Bigo 2000; Huysmans 2006; Boswell 2007; van Munster 2009; Balzacq 2011). In the general policy literature, two key components of a policy are a problem definition and a policy solution (see e.g. Premfors 1989, 44; Cochran & Malone 1995). The relation between problem definition and policy solution is, however, prob-

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20 This is not always explicit, but implicitly public policy is usually considered as including these two components (though it may also entail much more, such as implementation, evaluation, etc.). One example being the following quote from Cochran & Malone: “Public policy consists of political decisions for implementing programs to achieve societal goals” (as quoted in Birkland (2005, 18).
lematic and under-theorized in the literature on threat construction, which has led to a variety of ways to study threat construction. While the Copenhagen school does not explicitly discuss the relation, it implicitly assumes that exceptional policy solutions are preceded by a threat definition (the portrayal of an issue as an existential threat) (Buzan, Waever & de Wilde 1998; see also Eriksson 2001, 10). In other words, to them the threat definition is the central feature of threat construction since it may lead to exceptional measures. This view is, however, problematic, since it takes for granted that policy solutions logically succeed similar problem definitions. Nevertheless, this is not necessarily the case, since solutions do not necessarily originate once there has been a policy definition, but may appear already before that (Kingdon 2003; see also Léonard & Kaunert 2011, 66-72). Hence, one should not limit attention only to problem definitions. Avoiding the Copenhagen school’s over-emphasis on threat definitions at the expense of policy solutions, Sjöstedt instead uses an approach in which both a problem definition and a policy solution have to recognize an issue as a threat, to be categorized as threat construction by the researcher (Sjöstedt 2013, 146). This approach, however, again neglects the possibility that the relation between problem definition and policy solution can be more complex than what may appear at first sight. Policy solutions that single out threats could come about without problem definitions that portray the issue as a threat. Indeed, Bigo has highlighted that what policy-makers say is not automatically what they actually do (Bigo 2000, 194). Similarly, Boswell has noted that some policy solutions in the area of data utilization have transpired without being preceded by official discourse (Boswell 2007, 606). The rhetorical side of policy, to which definitions should be counted, and the more action oriented, to which solutions should be counted, are not necessarily consistent with each other. There hence appears to be good reason not to pre-empirically take for granted that problem definitions correspond intuitively and logically to favored policy solutions. They may or may not point in the same direction. A further reason to decouple them and study both separately is that they may actually attract partly different audiences.

When it comes to audiences, Balzacq makes a distinction between audiences that are needed for moral support and audiences that are needed for formal support. Moral support can come from both the general public and decision-making institutions, whereas formal support above all is needed from the latter, since they are the only ones that have the ability to formally adopt actual policy solutions (Balzacq 2005, 184-185). Roe develops Balzacq’s claim and argues that moral support comes when the audience agrees with the problem definition of the issue as a threat, whereas formal support comes when the audience agrees with the policy solutions suggested

21 Kingdon applies his theory in the general policy literature, and does not discuss threat construction.
to handle the issue (Roe 2008, 622). This means that problem definitions are more targeted to the moral support of the general public and decision-making institutions, whereas suggested policy solutions are more targeted to the formal support only of decision-making institutions. I would argue that if one takes this line of reasoning one step further, it also means that problem definitions have a greater ability to affect public sentiments towards the issue at hand, although they do not necessarily mean that similar policy solutions are instituted, which means that the supposed threat is only indirectly affected. Policy solutions, on the other hand, are more narrowly intended for the eyes of decision-makers, and hence have a lesser ability to affect the public. Nevertheless, if instituted, they affect the supposedly threatening issue at hand very directly. To give an example: if, for instance, the issue of irregular immigration would be defined as a security threat by key policy actors, and the general public would agree (i.e. the moral support), this could indirectly affect irregular immigrants through the negative public sentiments towards them. If the issue would instead be suggested to be handled through the use of security policy solutions, and decision-makers would agree with this (i.e. the formal support), then irregular immigrants would be very directly affected when these solutions were implemented. Problem definitions and policy solutions hence seem to have possibly different ways to affect the issue at hand, one more indirectly and one more directly. They are, however, not necessarily, but possibly, connected. The ideal way to study threat construction, and the approach chosen in this dissertation, is therefore to decouple problem definitions and policy solutions and study both. (This also enables an empirical analysis of how they both operate, which is the secondary aim of this dissertation.)

Threats as Scenarios with Negative Consequences: Politics of Exception and Politics of Unease

To determine the extent of contribution to threat construction, it is also important to know when an actor has put forth policies (problem definitions and/or policy solutions) that indeed represent an issue as threatening. There are in the threat construction literature two main ways to determine such a representation, one that follows a “politics of exception” and one that follows a “politics of unease” (Huysmans & Buonfino 2008). The politics of

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22 Even though the Commission may not be an actor whose problem definitions tend to reach the wider public to the same extent as, for instance, national politicians’, its definitions still have the potential to reach quite a wide range of audiences. It is also important that it, through its role as policy initiator, is one of the absolute key “problem definers” among the EU institutions.

23 Van Munster also considers two competing logics of security, which bear much resemblance to Huysmans & Buonfino’s categories. Van Munster’s are 1) A political realist per-
exception follows largely from the original definition of the securitization concept, which means that an issue is portrayed as an existential threat justifying action outside normal politics (Buzan, Waever & de Wilde 1998). Bigo has criticized this focus on existential threat framings by arguing that the process of threat construction has less to do with this kind of exceptionality and more to do with normality, and the everyday construction of security threats by singling out “risky” issues. Instead of searching for manifestations of existential threats, one should highlight such administrative activities as “population profiling, risk assessment, statistical calculation, category creation, [and] proactive preparation” (Bigo 2002, 65-66; 2005, 85). Consequently, threat construction is not about declaring existential threats, but about the everyday practice of influential actors of singling out risky, deviant, and threatening issues. These routine security practices provoke and foment a sense of unease and insecurity, hence the label “the politics of unease”. Van Munster agrees, and argues that bureaucracies contribute to threat construction more by administrating risks and governing exclusion, and less by announcing existential threats (Van Munster 2009, 42). Eriksson is on the same track when he prefers to study threat images as being about the production of fear and risk, which is broader than the politics of exception framework (Eriksson 2001, 3). A further critique against the politics of exception framework is that it probably almost exclusively can be used for military affairs since security policy actors most likely would only circumvent normal democratic procedures on these kinds of matters. Hence, it misses that other issues can be treated as threats, even though they are not portrayed as being existential threats per se, nor decided upon outside democratic institutions (Sjöstedt 2008, 10). As forceful as the critics’ arguments may be, there is, on the other hand, no reason to rule out any possible existential threat representations before the actual empirical study. The important thing is not to overlook the possible presence of a politics of unease as well. To be able to capture both types of threat representation, this study instead favors a perspective, which (much akin to the politics of exception) sees the representation of threat as a binary dichotomy between friend and enemy. The strategy that follows from that dichotomy is to take exceptional measures to counteract the existential threat, with the objective hence being to eliminate the threat. The other logic is 2) A liberalist perspective, which (very similar to the politics of unease) sees the representation of a threat along a friend/enemy continuum, where the strategies to deal with those posing a risk are more “normal” or regular measures like surveillance, control and risk management. The objective is to ensure freedom and the continued flow of goods, persons and capital (Van Munster (2009, 10).

24 The rise of insecurity simultaneously produces a need for society to be protected by the professionals of security from the perceived threat. Thus security and insecurity are in this sense not opposites; they go hand in hand. According to Bigo, securitization does not result in a feeling of safety but rather in more insecurity. Securitization is not the solution to insecurity (Bigo, 2000: 173-174; 2002: 65). He therefore often prefers to use the expressions “(in)securitization” to securitization and “(in)security” to security. This view is shared by Aradau, who argues that securitization turns into a spiral of insecurity (Aradau, 2001).
broader way to conceptualize threat construction, which is able to capture both the politics of exception and the politics of unease.

In addition to being able to capture both the politics of exception and the politics of unease, it should be able to categorize different kinds of threat representations. Tsoukala, for instance, has identified three threat principles according to which immigration has been identified: “1) a socio-economic principle, according to which immigration is primarily associated with the rise in unemployment, the development of the parallel economy, the Welfare State crisis and the urban environment deterioration; 2) a securitarian principle, according to which the rise in immigration is connected with many security problems, from petty to organised crime and from urban insecurity to fundamentalist terrorism; 3) an identity principle, according to which migratory movements are threatening the demographic balance and the identity of the EU societies” (Tsoukala 2005, 163-164). Tsoukala’s divisions are helpful above all, as they show that there may exist several kinds of threat representations in parallel, and that the definition of threat construction hence needs to be able to grasp this. The definition should therefore, again, be quite broad. According to Furstig and Sjöstedt (neither of which is actually a constructivist), a threat is a possible scenario with negative consequences (Furstig & Sjöstedt 2000, 27). Hence, if the data studied indicate that the issue of irregular immigration is supposed to cause negative consequences, or that the policy solutions advocated imply that irregular immigration has negative consequences, either in the form of existential threats or as being “risky”, it should be categorized as contributing to threat construction. One may, of course, argue that the term “illegal” in and by itself is evidence enough that irregular immigration is seen as causing negative consequences. In this study, this wording is nevertheless not considered enough to be categorized as threat construction, as the Commission may in principle use the term “illegal” due to it being established in most governmental discourse and still not perceive of irregular immigration as primarily a threat. However, since the term “illegal immigration” is certainly not neutral, and has been said to contribute to a criminalized view of irregular immigrants (Bigo, Guild & Carrera 2009; Khosravi 2008), the first empirical chapter does analyze which word that the Commission tends to put before the kind of immigration studied: “illegal”, “irregular”, “clandestine” or “undocumented”.

As Boswell has pointed out, it would be problematic to limit the analytical focus merely on the possible threat construction, as there may be

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25 Taking a closer look at Tsoukala’s division, one may object to it by arguing that the categories are not necessarily as separate as the division may suggest. To argue that immigrants threaten, for instance, the security of the EU, or the welfare of the EU, may actually be seen as part of, and not distinct from, the EU’s identity (see e.g. the line of reasoning in Khosravi 2010, 115-116). This is, however, only a possible critique of Tsoukala’s division lines; it has no greater bearing for the argument that I make.
other ways to frame immigration that may be even more present (Boswell 2007, 592). Therefore, the researcher should also search for alternative representations that do not consider irregular immigration as having negative consequences. Expressed in theoretical terms, this implies to study other, more favorable, constructions of reality that can be linked to the concept of desecuritization. Desecuritization involves the opposite of securitization, and hence signifies the escape from the negative associations that are involved with threat construction (Eriksson & Noreen 2002, 11). It prevents and challenges the feeding of suspicion and decreases hostility. One way is to remove the issue from the security sector, which in the case of immigration is done for instance when immigrants are provided human rights. Another way is to start redefining the basis of community to be more inclusive and thus come to incorporate immigrants (Huysmans 1998, 576-577). Alternative constructions of reality encompass the framing of irregular immigration not as threats, but as more on an equal footing with EU citizens.

Introducing the Concept of Frames

To study how irregular immigration is constructed in the empirical material – as threats or otherwise - it is helpful to analytically apply the concept of frame. The concept has often been more or less loosely used in much of the literature on threat construction (see e.g. Eriksson & Noreen 2002, 11; Huysmans 2006b; Boswell 2007, 592; Huysmans & Buonfino 2008). It has been argued that due to its meaning, it is very suitable for the analysis of the social construction of security threats (Watson 2012). A formal definition of policy frame is that it is an “interpretative construction” that provides the understanding of an issue (Rhinard 2010, 37; see also Goffman 1974; Rein & Schön 1991). Studying framing means to examine how actors speak of and simplify objects, phenomena and events (in this dissertation irregular immigration). Frames are filters that not only lessen the complexity of the surrounding world, but also make us understand issues in one way rather than another (Jachtenfuchs 1996, 24). Through framing, the world is filtered in such a way that some parts are sifted out, while others are highlighted (Eriksson 2001; Mörth 2000). Therefore, framing is about meaning construction (Benford & Snow 2000, 614). The presence of a certain policy frame rather than another is consequently a sign of it being seen as the truth. Benford & Snow have identified different aspects of policy framing. One aspect is the diagnostic framing, which means that an actor identifies a problem, and another is the prognostic framing, which means that an actor advocates

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26 For a discussion on the concept of desecuritization, see also Aradau (2004); and Behnke (2006).
certain policy solutions (Benford & Snow 2000, 615). Diagnostic frames and prognostic frames are hence very similar to the two possible parts of threat construction that have already been defined, the problem definition and the policy solution, and for that reason can easily be used to study them. Since it is not limited merely to the construction of an issue as a threat, it is also very useful for this study, which wishes to keep open the possibility of other constructions of the issue of irregular immigration. While a threat frame may be present, the concept of frame is also able to capture other, alternative, types of frames. Another value of the concept of frame is that it is often linked to policy and how policy formulation is about the construction of meaning, which is a core interest of this dissertation, which is concerned with the frames of a bureaucracy. There have, however, been different ways to apply the theory of frames in policy analysis. One way has been to see framing as a strategic form of action, where an actor actively and rationally chooses to advocate a certain policy frame that suits its own interests (see e.g. Rhinard 2010, 37). For this dissertation, this is not all that appropriate. While actors may have strategic reasons to put forth a certain policy frame, strategic assessments are still not likely at the centre of factors that enable certain policy frames to be prominent. Instead, the “reason” is more cultural or customary, which is further discussed in the next section, where a Bourdieusian conceptual framework to understand how certain frames are authorized at the expense of others is presented. Moreover, the concept of strategic framing is also problematic in so far as it largely is based on the thought that policy solutions logically and intuitively follow similar problem definitions, which I have already argued is not necessarily the case. In contrast, Laws & Rein do not analyze frames as a strategic tool rationally used by actors to reach influence, but consider frames as the manifestation of actors’ systems of beliefs, and connects this to their identity and customary social actions (Laws & Rein 2003, 174). Frames are in this perspective not tools, but more a constitutive result of how actors have become themselves in the specific setting, or field, where they exist (cf. Bourdieu & Wacquant 2007[1992]). Who an actor is, what the actor is socialized into sensing as normal conduct, and the actor’s position in relation to other actors, are accordingly crucial to understand the appearance of certain frames. This is also the perspective that I am taking in this dissertation.

Another benefit of the concept of frame is that frames are parts of bigger stories, or discourses if you will (cf. Laws & Rein 2003, 174). Discourse can be defined as “a distinct way to speak about and understand the world (or a segment of the world)” (Winther Jørgensen & Phillips 2000, 7,

27 They actually also identify a third aspect, the motivational framing, which “moves people from the balcony to the barricades” (Benford & Snow, 2000: 615). This aspect is probably important for social movements, which are in high need of motivating its personnel, and is where Benford & Snow did their research. It is, however, not as directly linked to threat construction as the diagnostic and prognostic framing, and is therefore left aside in this study.
emphasis in original). If the policy frame is an interpretative construction that provides the understanding of an issue, the discourse is that construction taken one step higher in abstraction. A discourse binds together different frames into one specific larger way to understand a certain issue. For example, if irregular immigration is thought of as undermining the welfare state of the host country, then the diagnostic frame can be said to be a Socio-Economic Threat frame. If irregular immigration is thought of as a criminal activity linked to organized crime, the diagnostic frame can be said to be a Securitarian Threat frame. These are hence two different types of diagnostic (threat) frames. At the higher level of discourse, both can be said to belong to the same discourse that sees irregular immigrants as a Threat to the EU. (For further elaboration, see chapter on Methods.) The concept of discourse is therefore useful to apply in order to move up an abstraction ladder, which allows the researcher to see larger trends over time more clearly. It should, however, be stated that, while I use the definition provided by Winter Jørgensen & Phillips, and that the (meta)theoretical foundations of the concept of discourse is in line with this study, I still use the term discourse quite loosely. This means that I do not use the specific tools of discourse analysis (although some are not that different from what is done in this study), and limit the use of the concept of discourse to the kind of application just stated (i.e. as a higher level of abstraction of frames).

Since this dissertation stresses the need to distinguish between problem definitions (diagnostic frames) and policy solutions (prognostic

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28 The quote is translated from Swedish, and in the original it reads as follows: "(…) diskurs är ett bestämt sätt att tala om och förstå världen (eller ett utsnitt av världen)” (Winther Jørgensen & Phillips, 2000: 7).

29 As Winther Jørgensen & Phillips emphasize, the concept of discourse cannot be used for all kinds of different theoretical frameworks, since discourse as theory and methodology relies on specific ontological and epistemological understandings of the role of language in the social construction of the world (Winther Jørgensen & Phillips 2000, 10). This argument does however not disqualify the use of discourse analysis in the way it is used in this study, since it relies on the same fundamental social constructivism basis as they argue that discourse analysis relies on. Moreover, I agree with them that it can be very valuable if the researcher includes elements from perspectives other than mere discourse theoretical since this can bring different forms of insights to the table (Winther Jørgensen & Phillips 2000, 10). Not all discourse theorists would necessarily agree with this, however. Leander notes that omitting in-depth analysis of material and relational power (social hierarchies) as part of a study of the production of meaning is what distinguishes many post-structuralists from a Bourdieusian approach. Whereas the former sticks to a discourse analysis that focus only, or at least mainly, on language, the latter goes beyond it when including analysis of different power relations and practices other than linguistic ones (Leander 2008, 14). Laclau & Mouffe (1987) for example, do not see any practices as taking place outside discourse, and hence would probably not agree that what I do in the third empirical chapter, which applies a Bourdieusian framework, is to study another form of social practice. Nevertheless, a critical discourse analyst like Fairclough would probably agree since he considers discursive and other social practice as dialectically related (1992). In line with Balzacq et al., I argue that a focus on both discursive elements (the frames) and non-discursive ones (the field, capital and habitus) makes the approach particularly strong (Balzacq et al. 2010, 5).
frames); for the sake of clarity there is also a need to distinguish between the two at the highest level of abstraction. Hence, I have restricted the term discourse for the highest level above diagnostic frames. In line with the more action oriented prognostic frames, the highest level of abstraction is instead called grand strategy, but the principle of being a larger story is the same. In addition to analyzing what diagnostic and prognostic frames that the bureaucracy stresses, it is, of course, also interesting to study which kinds of frames that are the most prominent, to see whether one type is more popular than the others and to see how this may change over time, which is accordingly done in the empirical chapters.30

In all, the concept of frame is used to capture the two parts of policy that exist in a bureaucracy’s construction of reality. The concept of diagnostic frame is used to analyze the problem definitions that the bureaucracy applies to the issue of irregular immigration. To analyze the bureaucracy’s preferred policy solutions, the concept of prognostic frame is applied. In addition to the questions on frames, the empirical analysis should also analyze if the diagnostic frames correspond to the prognostic ones, and what discourses and grand strategies they are part of, as well as if the frame usage changes over time.

As seen above, frame analysis is very useful for an analysis concerning the extent of contribution to threat construction when the interests and dispositions of the bureaucracy are not to expand the number of threats. In the empirical chapters, the diagnostic and prognostic frames are thus analyzed in two separate chapters, so as to make each as clear as possible. At the same time, frame analysis does not answer how certain frames are authorized at the expense of others by the inner logic of the bureaucracy. After all, as Laws & Rein argue; “frames become institutionalized in habits of thought and action, in practices” (Laws & Rein 2003, 179, emphasis in original). This means that which frames are present is the result of the structures of thought and action that have come to be normality in a specific setting. Therefore, in order to provide a full answer to the aim of this dissertation, it is not enough to answer which frames the Commission puts forth, but one also needs to study how these frames are authorized by the particular ways of socialization within the Commission, how this bureaucracy is organized, how power is distributed there, and what is considered normal conduct. In order to determine how to study these inside features of the Commission, we now turn to the literature on bureaucracy.

30 Another possibility would be to study if any frames were “hegemonic”, a concept that comes from Gramsci and is often applied in discourse analysis. According to Boréus, an idea is hegemonic if it is not questioned and no major actor in society expresses an alternative view (Boréus, 1994: 26). Since it is highly unlikely that a certain view of irregular immigration is completely hegemonic in the Commission, I have instead opted to examine which framing of irregular immigration that is most prominent, which is less far-reaching, but still a strong indication of threat construction.
Theorizing how Certain Frames are authorized by the Inner Logic of the Bureaucracy

In this section, I discuss how best to study the inner logic of the bureaucracy and what in it that makes possible certain frames over others. I survey various theories of the bureaucracy, and in the end argue that Bourdieusian concepts are particularly useful. The Bourdieusian concepts of field, capital and habitus are able to capture the inner logic of the bureaucracy by studying how the bureaucracy is organized, how power is distributed between departments and bureaucrats’ socialization, and thus how legitimacy is tacitly granted to some frames at the expense of others.

Insights from Theories of the Bureaucracy

What makes a bureaucracy define policy problems and advocate certain policy solutions in one way rather than another is at core the question that I here seek the answer to. In order to answer this question, a useful start is to examine the insights provided by bureaucracy researchers at large. First of all, one should define the concept of bureaucracy. Albrow identifies no less than seven different understandings of the concept in the vast literature on bureaucracy: 1) Bureaucracy as rational organization, 2) Bureaucracy as organizational inefficiency, 3) Bureaucracy as rule by officials, 4) Bureaucracy as public administration, 5) Bureaucracy as administration by officials, 6) Bureaucracy as the organization and 7) Bureaucracy as modern society (Albrow 1970, 84-105). There is thus quite a range of ways to apply the concept. As stated in the introduction of this dissertation, however, the term “bureaucracy” is here applied rather broadly and refers simply to the public administration of the state (or here rather the EU) (see Goldmann, Pedersen & Østerud 1997, 30). This definition is simply meant to serve as help to empirically locate the object of study, not to encompass details on how bureaucracies behave and come to define policy problems and advocate certain policy solutions. That being said, there are many scholars that have studied that exact question.

Weber and the Neutral and Rational Bureaucracy

The person who might be called the “founding father” of the study of bureaucracy is, of course, Weber. To Weber, a key concept was “rational bureaucracy” (Weber 1983 [1922]; Albrow 1970, 43). Rational bureaucracy could be achieved only if a number of specified conditions in the bureaucracy were fulfilled; such as “a clear hierarchy of offices”, “staff members are personally free, observing only the impersonal duties of their offices”, as well as “selected on the basis of a professional qualification” (Albrow 1970,
Weber thus stressed the importance of officials’ neutrality, that their employment be based on objective merits and a clear hierarchy in the organization. He moreover saw bureaucracy as a legal authority system, where officials administered laws and rules, and also were themselves bound by laws and rules in performing their tasks (Weber 1983 [1922], 149-150; see also Albrow 1970, 44; Hill 2007, 204). If translating these criteria, which primarily identify what rational bureaucracy looks like, into how rational bureaucracies behave, the ideal type bureaucracy can be described as an entity that neutrally, and guided by the rule of law, implements decisions taken by those it is intended to serve (i.e. parliaments). This view may be portrayed as being “top-down”, in so far as policies are seen as decided at the top by politicians in the parliament, and then implemented at the lower level of the bureaucracy. 31 Seeing bureaucracy as a neutral implementer has been a very influential view. Indeed, it is probably safe to claim that in governmental and public discourse it is the most common characterization, and often bureaucracies’ performances are measured on this scale. It should however be noted that Weber’s characterization of bureaucracy is an ideal type, which means that he did acknowledge that it is not an exact empirical picture of real bureaucracies, other than perhaps in formal terms (cf. Albrow 1970, 66). Weber hence in a way opened up for a view where the bureaucracy was not necessarily as neutral as was stated in the ideal type and that informally the picture might be quite different.

In Down’s seminal work “Inside Bureaucracy”, where he presented a theory of bureaucratic decision-making, he pointed out that the nature of decision-making varied depending on, among other things, the composition of different types of officials. While he considered all officials at core rational, some tended to be more self-interested whereas other mixed their self-interest with a devotion to larger values (Downs 1964). Though he, in contrast to this dissertation, saw individuals as primarily rational, he thus recognized that the decision-making of bureaucracies was not necessarily neutral and top-down, but instead depended on the officials working there.

The Non-Neutral Bureaucracy

Subsequent scholars proceeded with this approach towards bureaucracy as non-neutral and made it a rule rather than a deficiency. They argued that bureaucracies cannot neutrally implement politicians’ desired outcomes since the way that the bureaucracy is organized inherently shapes what the policy outcome, and also the what policy itself will look like (Beetham 1996; Hill & Hupe 2002, 8; Hill 2007; Peters 2010, 209). 32 This argument has seen

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31 According to some interpreters, the criteria for rational bureaucracy were also a prerequisite for efficiency (Albrow, 1970: 65; Hill, 2007: 204-205).
32 The distinction made between implementation of policy and formation of policy is commonplace in policy studies. However, this implies a rather rational take on policy-making and
a multitude of research avenues; one oft-researched question refers to efficiency. Political economists argue that inefficiency lies at the heart of bureaucracy, since it is not acting in a free competitive market and therefore has incentive to grow to get a larger part of governmental budgets, which results in a large, inefficient bureaucracy that tends to focus on organizational expansion rather than efficient implementation of policy (Beetham 1996, 20-29). More sociological perspectives argue that the underlying assumptions about a lack of incentives for efficiency made by political economists are faulty, and that efficiency depends more on how all the components of a certain bureaucracy (rules, roles, interaction etc.) are structured and interrelated. They are hence concerned with how organizational culture and structure result in efficient or inefficient policy outcomes (Beetham 1996, 9-20).

Other factors that have been claimed to affect efficient implementation are in the literature e.g. interest group influence and bureaucrats obfuscating and delaying implementation due to their overt or covert resistance to the policy (Peters 2010, 169-192, 208-209). It thus seems as if organization culture, interest group influence and bureaucrats’ attitudes towards the policy have a bearing on the policy output, which should be kept in mind for this study, even though this study is not focused on the question of efficiency.

Not all scholars focus on the rather normative question of efficiency, however; many are more interested in just explaining how the bureaucracy influenced a certain policy or policy outcome to look the way it did.33 In general terms, bureaucrats are sometimes said to be influential policy shapers due to their role as expert advisors to politicians (Beetham 1996, 43). Others de-emphasize this link to politicians, and see the bureaucracy as influential rather on its own terms, and not merely via politicians. One research strand, often used for foreign policy analysis, but equally fit for other kinds of policy analysis, is known as “bureaucratic politics”. At the centre of attention for the bureaucratic politics perspective lies competition over different policy alternatives between the bureaucracy and other institutions, or among different departments within one and the same bureaucracy. According to this perspective, different policy preferences derive from the diverging interests of the competitors. Often the different interests of the departments are seen as coinciding with their respective wish to get as large a share of the budget as possible. The distribution of power between them determines which policy alternative that will be successful (Allison & Zelikow 1999; not all scholars agree that such a distinction can be made, for a discussion, see e.g. Kingdon (2003).

33 There are certainly more debates taking place in the academic literature on bureaucracy than the ones described here. One recurring question refers to the issue of democratic accountability (Beetham 1996, 91-96; Peters 2010, 263-303; see also Scharpf 1999 for a discussion on the broader theme), another is about the bureaucracy’s role in top-down versus bottom-up policy-making (see e.g. Hill & Hupe 2002, 41-56). For the purpose of this dissertation, these questions are not of immediate relevance and are therefore set aside.
Beetham 1996, 45; Halperin, Clapp & Kanter 2006; Radaelli 1999, 760-761). One key issue for scholars of bureaucratic politics in empirical research is therefore to determine the relative weight of the different bureaucratic departments (Beetham 1996, 45). The bureaucratic politics perspective originally came about as a critique of the rational actor model, in which a single actor calculates the best policy choice. The bureaucratic politics perspective instead shows how the internal competition between political institutions or among departments within a bureaucracy is highly influential in shaping policy, and thus teaches us that there is a need to study the internal rivalries within the bureaucracy to better understand how certain frames of irregular immigration are made possible at the expense of others. Nevertheless, at the same time, the perspective itself also largely relies on a rationalist foundation, since it focuses on a logic of consequences and is based on the assumption of self-interest as the major driving force, only it focuses on departments and not individuals as self-interested. This dissertation does not share such a foundation, and therefore now moves to survey the more sociologically oriented research on bureaucracy, which does not rely on assumptions about actors’ inherent and primary rationality.

**Sociological Takes on the Bureaucracy**

Theories that have focused more on how bureaucratic actors are not necessarily mainly rational and self-interested are found in some organizational theories and sociological new institutionalism. In, for instance, their garbage can model of policy-making, Cohen, March & Olsen (1972) do not take for granted that organizations, including bureaucracies, are rational decision-makers where actors try to find solutions to previously defined problems. Instead, the researchers recognize that actors within organizations may rather start out with solutions to which they try to find problems. They would hence support my earlier argument that problem definitions, or diagnostic frames, may not match or follow the same logic as the suggested policy solutions, or prognostic frames. Their garbage can model thus shows how bureaucratic actors are far from rational in every specific situation of decision-making, which a study of how the bureaucracy frames irregular immigration should acknowledge. On the other hand, their model does not really highlight the significance of power for which solutions and problem definitions that are the most common in the end. This is a serious shortcoming, since not every actor within the bureaucracy has the same power to put forth influential problem definitions and policy solutions, be they rational or not.

Another theoretical approach that similarly criticizes the view of bureaucratic actors as primarily rational and self-interested is sociological new institutionalism. Such scholars consider rational actor perspectives as deeply flawed and argue that actors within organizations do not primarily act based on self-interested calculated value, i.e. in accordance to a logic of expected consequences. Instead, they consider actors as acting in line with a
logic of appropriateness, where actors think about what is appropriate action in that very organization. Before deciding how to act, actors ask themselves: “What kind of a situation is this? What kind of a person am I? What does a person such as I do in a situation such as this?” (March & Olsen 2004, 4). How the actors answer these questions depends on what kind of institution that dominates in that specific organization. Institutions are different types of rules, for instance shared norms and values, which stipulate appropriate conduct for actors in specific settings (Olsen 2007). Institutions thus constrain actors’ behavior (Peters 2005, 156-157). The focus on the logic of appropriateness and on how various types of rules within an organization constrain and enable actors to make different policy choices is very related to how this dissertation considers the importance of the context, i.e. the bureaucracy itself, for how certain problem definitions and policy solutions are selected.34 However, similar to the garbage can model, new institutional theory lacks a sophisticated analysis of power (Fligstein 2001, 111). This is a shortcoming because what is appropriate behavior is linked to power. What is considered appropriate behavior, and thus legitimate action, namely suits some actors better than others and consequently grants them power. Moreover, actors’ struggles for power shape what is considered appropriate behavior in the first place. This, in turn, can be expected to have a significant bearing on how issues are framed, and thus answer what authorizes some frames over others. Since power is that important, the theoretical approach that guides that empirical research should be able to capture power thoroughly, while not lose sight of the other insights provided by the bureaucratic literature. Such a theoretical framework is provided by Bourdieu (see also Fligstein 2001, 111).

Bourdieusian Concepts to Study the Inner Logic of the Bureaucracy

To study what authorizes certain frames at the expense of others, and link this to the (tacit) distribution of power within the bureaucracy, a Bourdieu inspired analytical framework is employed in this dissertation. Villumsen argues that Bourdieusian concepts are useful for studying why certain understandings of the social world are prominent. She herself studies the European field of security after the end of the Cold War (Villumsen 2008, 77). Laws & Rein agree and advise researchers to “make explicit the implicit organization

34 In addition to the new institutionalism that studies how institutions affect actors’ behavior, there is also much written under the banner of the new institutionalism of organizational studies, which is more concerned with the evolution of organizations (see e.g. DiMaggio & Powell, 1983). That is to say, how institutions come about, how they work and take their distinct form; i.e. the process of institutionalization (Peters, 2005: 107-108; Hill, 2007: 96).
that structures perception and action” (Laws & Rein 2003, 174, footnote). This means that a field’s (here the Commission’s) specific perceptions and actions, importantly including specific problem definitions and policy solutions, are the “product” of that field’s implicit organization, and that researchers should thus focus on this implicit organization. Focusing on the implicit organization means that researchers should analyze policy actors’ everyday routine practices, since those lie beneath the narratives and discourses that define social problems (Hajer & Wagenaar 2003, 17, 20). Specific problem definitions and policy solutions are formed when humans collectively act in a certain way. Therefore, specific habits and conventions that guide the collective human practices should be at the forefront of analysis (Hajer & Wagenaar 2003, 17). As actors may not consciously be aware of the habits, and there need not necessarily be any linguistical representation of the habits, discourse analysis cannot be relied upon to study them. Discourse analysis can be employed for analysis of the meaning per se, i.e. the definitions, representations, etc., but analysis of practice should be used for studying the underlying practical processes, structures and conditions that authorize those definitions. Using the Bourdieusian concepts of field, capital and habitus steers the attention exactly to aspects of implicit organization and tacit power.35

Although my study differs from Bigo’s in the sense that I do not take for granted that the bureaucracy studied is a securitization actor, I still share with him the Bourdieusian approach to power. This way I have a theory that 1) acknowledges the power of language but also links it to actors’ power, 2) recognizes not only formal and material power but also informal and immaterial and 3) considers the setting important for understanding how power is upheld. In contrast to Bigo, the concepts of analysis are not primarily applied to the security policy field as a whole, but are used to open up and study the inside of a bureaucracy assumed to be part of the security policy field. Hence, while in Bigo’s studies, the bureaucracy (police and military) is seen as possessing capital first and foremost externally and in comparison to other bureaucracies, in my study what is analyzed is instead the distribution of capital internally within the bureaucracy (i.e. the Commission).

Field

The first Bourdieusian theoretical concept that will help when analyzing the role played by the bureaucracy is field. Bourdieu describes field in the following way:

35 It should however be remembered that ”Such notions as habitus, field, and capital can be defined, but only within the theoretical system they constitute, not in isolation” (Bourdieu & Wacquant, 2007[1992], 96). This means that the theoretical concepts belong to the theoretical whole, and cannot be fully understood without it.
In analytical terms, a field may be defined as a network, or a configuration, of objective relations between positions. These positions are objectively defined, in their existence and in the determinations they impose upon their occupants, agents or institutions, by their present and potential situation (situs) in the structure of the distribution of species of power (or capital) whose possession commands access to the specific profits that are at stake in the field, as well as by their objective relation to other positions (domination, subordination [---] [Fields are] relatively autonomous social microcosms, i.e., spaces of objective relations that are the site of a logic and a necessity that are specific and irreducible to those that regulate other fields (Bourdieu & Wacquant 2007 [1992], 97, emphasis in original).

As accurate and detailed as this definition is, it may not necessarily be all that easy to understand at first sight. It may therefore help to see how a few other scholars have tried to define Bourdieu’s concept of field a little more accessibly. Adler-Nissen defines field as “a relatively autonomous social system consisting of a patterned set of practices and beliefs, which suggests competent action in conformity with rules and roles” (Adler-Nissen 2009, 87). Another definition is provided by Broady: “a social field is a system of relations between positions held by specialized agents and institutions that compete over something they have in common” (Broady 1989, 3, my translation). Mérand defines a social field as “a hierarchical space of social relations centred on a specific stake, such as politics (for example, winning the election), business (dominating one’s competitors), or culture (being in vogue)” (Mérand 2011, 177). What this all means is that in specific domains (fields), the participating actors share the same goals and relate to the same issues, habits and conventions. Just as Bourdieu refers to fields as relatively autonomous social microcosms, it may be helpful to think of a field in terms of the metaphor “a world of its own”. The field has its own particular issues at stake, as well as its own formal and informal, conscious and unconscious rules and habits – it is a world of its own. Different fields differ from one another. For instance, goals in the economic field vary quite drastically from goals in the cultural field of literature, where completely different modes of conduct apply and money is not necessarily what is connected to most power (Bourdieu & Wacquant 2007 [1992], 97-98). Another example is the difference between the defence field and the market field, and how it fundamentally matters if a policy issue is situated in one rather than the other for how that issue is handled (Mörth 2003). Being so different from each other, fields are also relatively autonomous from one another (Broady 1989, 41). Using the concept of field helps the researcher to grasp how the specific characteristics of a certain domain authorize and result in certain views of reality, in

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36 Broady’s original definition is in Swedish: “med socialt fält avses ett system av relationer mellan positioner som intas av specialiserade agenter och institutioner vilka kämpar om något för dem gemensamt” (Broady, 1989: 3, emphasis in original).
the case of this dissertation the diagnostic and prognostic framing of irregular immigration.\textsuperscript{37} I argue that the bureaucracy, and more specifically the Commission, can be seen as a field.\textsuperscript{38} Though it interacts with politicians and others, it is also definitely a world of its own, with its own rules and patterns. Within the bureaucracy, bureaucrats have developed certain habits and follow certain rules that make some practices and discourses seem normal and others impossible. Indeed, Bourdieu has on these grounds argued that state bureaucracy can beneficially be theorized as being a field (Bourdieu 1994).\textsuperscript{39} Adler-Nissen argues in a similar vein when she analyses the Council as a demarcated field (Adler-Nissen 2009, 87-92). The metaphor of bureaucracy being a world of its own is helpful; not only for understanding that it follows its own logic and hence is an autonomous producer or meaning, but also for understanding that it is still part of a larger universe. It, and more specifically its bureaucrats, does interact with actors or institutions from other fields that it may influence or be influenced by. Though this dissertation empirically focuses on the internal logic of the Commission, it is valuable to realize that what bureaucrats do within the Commission is to some extent also shaped by its relations to other institutions such as the Council and the EP.\textsuperscript{40}

To understand the Commission’s framing of irregular immigration, one must furthermore clarify how the field specific characteristics of the Commission authorize certain frames over others. To do so, the researcher has to examine what is at stake in the field, what the actors compete over. It is also imperative to analyze which actors that are part of the field, and the relations between these participants. The participants may in general be individuals, groups or institutions/departments. Analyzing their relations involves uncovering the field’s hierarchical power relations, i.e. which participants are dominant and which are inferior, and to discern which resources and strategies that are at hand for each of these categories.\textsuperscript{41}

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\textsuperscript{37} For empirical applications of the concept of field see e.g. Bourdieu (1993; 1994; 1998); Bigo (2000); Mörh (2003); Mérand (2008; 2011); Villumsen (2008); Adler-Nissen (2008; 2009) and Pouliot (2010).

\textsuperscript{38} The Commission is hence a field within the larger security policy field.

\textsuperscript{39} Though he often uses the term bureaucracy more freely than this dissertation, and often as a prolongation of or substitute for the term “state”, his argument is still applicable here.

\textsuperscript{40} The Commission can be said to hold one of the important positions within the European field of power, i.e. the field where those who dominate other fields struggle with each other over power. Concerning a discussion on the European field of power, see Cohen (2011) and for a discussion on other fields of power, see e.g. Bourdieu (1994).

\textsuperscript{41} It should be mentioned that Bourdieu often in his studies of fields focuses on how structures of domination affects both top and bottom, i.e. both those who dominate and those who are dominated. For example, when he studies the structure of patriarchy he not only focuses on how men dominate women, but also on how women come to accept this domination as natural (Bourdieu 2004b). Another example is when Bourdieu investigates how education is organized so as to in practice reproduce class structures, and thus becomes an instrument for how the upper and middle classes dominate the lower classes. As with patriarchy, this class domination is not openly exposed, but “disguised” in an educational system that encourages and
reinforcer has to investigate both subjective accounts made by the participants themselves, as well as more objectified structures. The actors that participate in policymaking and how they do so namely authorize a certain construction of social reality, here considered as the framing of irregular immigration. While the field is an objective hierarchy (of relations between actors' positions) that shapes discourses and activities, it is at the same time itself shaped by ongoing power struggles between actors in the field (Webb, Schirato & Danaher 2002, 21-22). It is thus important to study the evolution of the field, to understand how actors’ power struggles have shaped it to its present form (see e.g. Bourdieu & Waquant 2007 [1992]) and how the struggles have made possible certain framings of irregular immigration. Another part of analyzing the field involves investigating formal rules, which also structure the relations in the field. This includes institutional set-ups, such as what participants that have the formal responsibility for a certain policy issue, and how changes in the formal institutional set-up may change the relations between participants, which may subsequently alter what policies that are advocated. Apart from formal rules, one must also steer attention to informal rules and unreflected practices that officials tend to perform, without necessarily reflecting upon them. (Regarding the unreflected practices, officials may in fact even be linguistically convinced that they are doing something else).

To apply the concept of field (and the related notions of capital and habitus) is to dig into what appears as normal conduct to participants of the field. Participants in general do not reflect over the conventions and routines that they tend to follow, nor about how these conventions and routines can be linked to power relations in the domain where they operate. For the researcher, this is exactly what should be at the forefront of analysis, since it shapes the construction of social reality in distinct ways. If the researcher is able to analyze this, she is able to answer how certain constructs are made possible at the expense of others.  

42 rewards the upper and middle classes, and make the domination seem natural both to the ones that dominate and the ones that are dominated (Bourdieu 1998; 2001). To Bourdieu, this internalization of the structures of domination in both dominated and those who dominates is the key to reproduction. In my study, I do not follow his example. Had I wished to do so, I should have studied not only the bureaucracy, but also the irregular immigrants themselves to see how they responded to the domination. This would no doubt be an interesting study, but since it is not of immediate relevance for the aim of this dissertation it is left for the future. For the aim of this study, I limit focus to the bureaucracy, as I am interested only in the bureaucracy’s possible contribution to threat construction. There are hence no groups of outright dominated in the Commission field, but there are what one may call dominant and inferiors. Dominant are those that have the most power to frame irregular immigration, inferiors those who have less power to do so.

42 It should be stated that a field is a construct, or a thinking tool, of the researcher. Fields cannot be said to exist objectively “out there”. Though they are based on empirical observation, they are still constructed by the researcher analytically, to enable a certain type of analy-
The Commission as a Field

This dissertation theorizes the Commission as a field. This not commonplace among EU scholars, however. For liberal intergovernmentalists like Moravcsik, the Commission should, for example, probably not be at the centre of attention at all, since he argues that it is playing second fiddle to rational national governments that bargain based on their national interests (Moravcsik 1999, 270; 298). National governments should hence be in focus. Kaunert is one of many who have disputed the intergovernmental view. He has shown that the Commission has played the role of a supranational policy entrepreneur in the cases of the European Arrest Warrant and of the Common European Asylum System. In the former, it successfully reframed the issue from being a question of fight against crime, to one of the war on terror, and thus managed to get the member states aboard (Kaunert 2007). In the latter, the Commission managed to keep the asylum system within the remit of the Geneva Convention despite that counter-terrorism was then high on the agenda (Kaunert 2009). This shows that the Commission definitely plays a role in policy-making. It nevertheless does not put it in the perspective of the inner life and logic of the Commission, but sees the Commission as a unitary actor, acting with purposeful intent. Also Kostadinova has argued that the Commission has played the role of policy entrepreneur, in her case as concerns the furthering of the integration of internal borders, and has moreover argued that there were in that case few signs of internal discrepancies among DGs (Kostadinova 2013, 3). One should, however, be careful not to take the view of the Commission as a unitary actor too far. There are many scholars who have shown that there are in fact important internal divisions between the DGs in the Commission, and that struggles between them are recurring, as also the aforementioned research on bureaucracies have generally underlined. The various DGs have their different organizational cultures, belief systems and ways to do policy (see e.g. Boswell 2008; Cini 1996, 129-131; Cram 1994; Kassim 2003, 159; Nugent 2001; Rhinard & Boin 2009; Stevens & Stevens 2001, 196-205). Thus, in an anthropological study of the Commission in 1993, Abélès, Bellier & Mcdonald observed the differences between the DGs: “The behaviour and the strategies of staff are contextually tied to a sense of belonging to a particular DG” (Abélès, Bellier & Mcdonald 1993, 30) and the various DGs can be seen as “a training ground which reproduces a particular culture” (Abélès, Bellier & Mcdonald 1993, 18). Hence, bureaucrats within the Commission tend to behave differently depending on which DG they work in. In Bourdieusian terms, each (group of) department(s) can be called a separate sub-field. This way it is highlighted that the Commission field consists of several sub-fields, where

sis (e.g. the analysis of what is seen as normal among certain actors with certain power relations) (Bourdieu & Wacquant 2007 [1992], 228; Leander 2008, 15; Mérand, 2011: 187).
bureaucrats are socialized into having shared modes of conduct and dispositions.

Each DG offers a specific culture into which the officials are trained, or, more accurately, socialized, not formally but in practice. The officials are hence deeply colored by the DG in which they work. At the same time, they are colored also by the fact that they belong to whole of the Commission. As Abélès, Bellier & Mcdonald put it: “Any official has at least two categories to which he or she belongs - the Commission and a given department. Thus, the individual sees himself as (a) an integral part of the all-embracing organization and (b) a member of a smaller group” (Abélès, Bellier & Mcdonald 1993, 31). Officials are socialized simultaneously into being part of a specific DG, and the larger Commission. Bureaucrats within the Commission are colored both by being part of the Commission and its separate DGs. This dissertation’s conceptualization of the Commission as a field, and the DGs as sub-fields, hence seems very appropriate. A study that at first sight seems to suggest otherwise is perhaps Hooghe’s study of Commission top officials, from 2001. Her findings suggest that the preferences of these Commission officials are formed more by nationality, party affiliation and job background than by experiences gained in the Commission (Hooghe 2001, 213). This hence seems to run counter to the perspective of the Commission as being a field and the Commission DGs as sub-fields that shape how officials act and how their belief systems are formed. However, there is one major objection to be raised against this conclusion. Importantly, the questions where nationality, party affiliation and prior work formed preferences more than experiences in the Commission were major horizontal questions of EU governance (such as whether the EU should be more supranational or intergovernmental, and relations between market and state). This is a central aspect, since these kinds of questions are politically very sensitive and quite far from regular policy issues that are handled routinely on a day-to-day basis, and the question of irregular immigration probably is much closer to the latter. Also Hooghe is aware of the difference between highly sensitive questions of EU governance and other types of less politically sensitive issues, and finds that nationality, party affiliation and prior work matter much less in the latter (Hooghe 2001, 214). Hence, for the issue of irregular immigration, there is reason to believe that the Commission and its various DGs do play an important role for socialization. This does not mean that, for example, nationality plays no role at all for a person’s socialization (or habitus as is discussed below), but as Abélès, Bellier and Mcdonald ar-

43 One should perhaps also note that Hooghe’s study is a critique of those scholars who tend to see Commission officials only as self-interested utility-maximizers, and her argument is actually that persons are also socialized into having specific opinions. This means that her perspective is quite similar to the perspective of this dissertation. The main difference is that this dissertation considers not nationality, party affiliation and prior work as the main shaper of belief systems.
gue, officials have many identities simultaneously (Abélès, Bellier & Mcdonald 1993, 30). They are formed by several different contexts. When it comes to the issue of irregular immigration, I however do think that the experience of working in the Commission and its DGs (and the different career trajectories to get there) have a strong influence. During the interviews, I generally asked respondents from what country they came, but I was not able to distinguish any particular patterns based on the information I got. There were, however, patterns that could refer to different DGs. Hence, for this study it is important to study characteristics of the Commission field, and the separate DGs, as well as to analyze the power struggles between DGs.

In my study, I refer to the Commission as a unitary actor in the first two empirical chapters (on diagnostic and prognostic frames) instead of referring to its many DGs. I consider it a unitary actor in its policy “output”, which is singular Commission communications that the whole Commission stands behind as one. However, in the third empirical chapter I open up the black box of the Commission field, and consequently consider it as consisting of sub-fields (DGs) with different agendas and standard operating procedures. The analysis of the characteristics of the Commission field and the sub-fields are hence dealt with specifically in the third empirical chapter.

**Power as Capital**

As the field characteristics are altered due to changes in the power relation of actors in the field, and that this is assumed to authorize certain framings of irregular immigration, it is important to nail down what power is. First of all, power in Bourdieu’s sense is relational, and one actor’s power depends on other actors’ apprehension. Power can therefore not be determined by measuring a pre-empirically defined form of capital, such as military strength or economic assets. Instead power, or influence, appears when an actor is the holder of the kind of capital that is considered valuable in that specific field. When this is so, the actor is recognized as powerful by other actors in the field (Bourdieu 1996, 103-155; Guzzini 2006, 8; 2013, 80). Bourdieu mentions various forms of capital (see e.g. Bourdieu & Wacquant 2007 [1992], 119), but the two of most importance for this study is economic and symbolic capital. While economic capital exists in a material sense, symbolic capital only exists in the minds of actors. Symbolic capital is capital only because the other actors in the field believe that the quality at hand is valuable and worth striving for (Webb, Schirato & Danaher 2002, xv-xvi). For example, to have a good reputation is to have symbolic capital. Symbolic capital is linked to legitimacy, or more precisely the ability to be recognized as a legitimate intervener in what is at stake in the field (Bourdieu 1990, 118). Therefore, the researcher should study which types of qualification that make actors legitimate (Leander 2008, 18). A fair way to uncover the symbolic capital in the Commission field is to ask who is legitimately participating in the field and the pattern of traits these actors uphold can be viewed as the sym-
bolic capital. By showing how economic and symbolic capital is organized in the field it is possible to identify the distribution of power (Callaghan & Wistow 2006, 587). Those with capital can moreover be assumed to be key framing actors, since they are the ones with the ability to legitimately and effectively participate in formulating problem definitions and policy solutions. The second important feature of power is, as I interpret it, that it is about being able to influence the structure of the field (see Bourdieu & Wacquant 2007 [1992], 98). This connects it to agency, which in Huysman’s terminology in the security field is about being able to “significantly intervene in the political contestation of claims of protection” (Huysmans 2006a, 2). The power relations are often asymmetrical in a field, i.e. the distribution of capital is uneven, which means not everyone has the same capacity to intervene in the policy debate and hence the production of meaning of protection, security and threats. The more capital you have, the more agency (and power) you can also be said to have. Since the power relations are asymmetrical, the same kinds of strategies are not available to all actors. The kinds of strategies that are successful should therefore also be studied (Huysmans 2006a, 7). Questions that should be analyzed hence revolve around what is considered capital in the Commission field, and how capital is distributed among participants in the field.

Habitus

A field is constantly under reproduction or change (Mörth 2003, 21). The key components of these processes are social actors with relational power. When actors behave in accordance to the social structures of the field, it is reproduced (Guzzini 2006, 7). When they start to act differently, it is changed. This change or reproduction of the field works through the “habitus”. Habitus can at some length be defined as:

[S]ystems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations conscious aiming at ends or an express mastery of the operations necessary in order to attain them. Objectively “regulated” and “regular” without being in any way the product of obedience to rules, they can be collectively orchestrated without being the product of the organizing action of a conductor (Bourdieu 1990, 53).

As Bourdieu’s definition shows (although somewhat cumbersomely), habitus is about acting in accordance to learnt dispositions, which are neither the result of simple rule following nor generating strategic acts of entirely free will. Instead, dispositions are shaped by the experiences of each actor, which are in turn highly linked to a certain setting (“culture”) and who the actor has been in that setting (see also Webb, Schirato & Danaher 2002, 36-37). Bourdieu uses the concept of habitus to signify the merger of objective structures
and subjective “will” into the individual. In habitus, structure meets agency, as the dispositions that allow people to act are colored by culture and history, but at the same time are not deterministic results of them, but leave room for contingency and unexpected acts and thus change. To clarify further the meaning of habitus, it may be helpful to present how other scholars have defined it. Two shorter definitions of habitus are that it is a “system of dispositions that allows people to act, think and orient themselves in the social world” (Broady 1989, 2, my translation), and, similarly, that habitus is “historically sedimented dispositions within a field to see, understand and act” (Guzzini 2006, 7). As these definitions confirm, habitus, as a system of dispositions, is what allows people to act in various situations without having to think through all the steps involved in action. This connects the concept of habitus to the notion of practice, which is not at the forefront of analysis in this dissertation, but still should be mentioned to explain how the habitus works. Habitus is namely enacted in practice, when the dispositions of an actor meet a specific situation, and the actor acts not at core rationally or irrationally, but unreflectedly, in accordance to his/her practical sense, or differently put, “feel for the game”. The game metaphor comes from Bourdieu to signify how actors act first and foremost in accordance with what feels suitable, and not by reflecting on all the steps in acting, akin to how a skilled football player performs well by having learnt to feel the rhythm of the game (Bourdieu 2004a, 131; Bourdieu & Wacquant 2007 [1992], 120-121). Moreover, habitus is acquired in practice – by doing, existing in a field and thus getting to know it, not by reading instructions. Collective routines are central for understanding how the habitus plays out in practice, since actors tend to act habitually (see also Leander 2008, 17; Hopf 2010). In general, actors thus do not reflect upon their habitus or their dispositions. Instead; “in order for a particular habitus to function smoothly and effectively, individuals must normally think that the possibilities from which they choose are in fact necessities, common sense, natural or inevitable” (Webb, Schirato & Danaher 2002, 38-39). That is, actors do not reflect upon the fact that they act in a certain way, they act in accordance to their dispositions in the moment, in line with their practical sense. Moreover, they do not reflect upon where they think and act “from”, that is, what history, culture and

44 Broady’s original definition is in Swedish: “system av dispositioner som tillåter människor att handla, tänka och orientera sig i den sociala världen” (Broady, 1989: 2, emphasis in original).

45 Actors are actually able to act strategically, but this is strategic only in a certain sense of the word. It means that actors can act strategically in line with the feel for the game and the structures of the field, not strategically of entirely free will as, for example, the Rational Actor Model has it. As Webb, Schirato & Danaher explain; “So though they may be conscious of making moves and acting strategically, they are unaware that their motives, goals and aspirations are not spontaneous or natural, but are given to them through the habitus” (Webb, Schirato & Danaher, 2002: 58).
power relations that have formed their dispositions. Habitus is thus a concept that helps the researcher to show that actors act much in accordance with learnt ways, but at the same time are not “forced” to do so. It also points to analyzing what is taken for granted by field participants, since this is what makes up the dispositions (Leander 2008, 17).

Even though how a person will act is never predetermined, some acts are more likely than others and these acts are of special interest to the researcher as they authorize and reinforce the field’s specific characteristics, not least what is considered the reality there. Therefore, this study should analyze those habits or routines that the participants in the Commission field are used to perform, and what their dispositions are, as these shape actors’ habitus. Routines and dispositions are consequently thought to have a considerable influence on how the Commission frames irregular immigration. An actor’s habitus shape all his/her actions and beliefs, and thus the Commission officials’ habitus shape their framing of irregular immigration. In Bourdieu’s empirical research, he often studied how actors’ habitus are shaped by the context of the education system or the class system. In this study, the Commission and its DGs are the context. Although the Commission context obviously cannot replace all dispositions from class or education, it does supplement them in important ways. It does add a Commission sense to those working there, as the section on the Commission field showed, and this is what is going to be closely studied in the empirical analysis of habitus. (For more detailed information on questions asked during the empirical analysis, see chapter 3 on Methods).

The Commission’s Internal Logic Provides new Insights on the EU’s Immigration Policy

One comment should be made about the emphasis on the internal logics of the Commission field. As the theoretical perspective shows, this dissertation primarily seeks the answer to how the Commission has framed irregular immigration in aspects inside the Commission itself. A possible critique of this perspective is accordingly that it runs the risk of missing the importance of external events and the like. Though it is true that external events also play a role in how irregular immigration is framed, I would argue that they always have to be understood in relation to the logic of the field (i.e. what is at stake in the field, the distribution of capital, the collective habitus, etc.). External events cannot be entirely ignored, and are thus approached empirically in the account of the evolution of the field. At the same time, external

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46 Bourdieu refers to this lack of reflection over the impact of history, culture and power relations as “the forgetting of history which history itself produces” (Bourdieu 1990, 56).
events should never be seen as an independent reason for a certain frame, as they do not cause predetermined consequences, but are always filtered through the structure of the field, the distribution of capital and the actors’ habitus. Hence, the logic of the field should be at the centre of attention. If one, for instance, looks at the development of the EU migration policy, a number of scholars have studied the driving forces of the EU immigration policy and singled out two external factors as especially important for a closer cooperation in the area of immigration at the EU level.

The first one is spill-over effects from economic integration and the second is the increasing amount of asylum-seekers to Western Europe (Andersson 2008; den Boer & Wallace 2000; Monar 2001a; Turnbull & Sandholtz 2001). The importance of spill-over effects is stressed by these researchers based on how the completion of the single market and its abolition of border controls between member states raised the need for a common border approach. According to the literature, this need for a common border approach is the answer to why the EU has had such a focus on so-called compensatory measures, i.e. intensified external border controls, in its immigration policy. With less border controls between the member states, there was a need for more external border controls, the argument goes.

The second factor, the increased number of asylum-seekers and irregular immigrants after the end of the Cold War, is said to have been a reason for the creation of an EU immigration policy by pushing politicians to act. Especially Germany experienced what it considered a sizeable inflow of asylum-seekers and saw an EU immigration policy as a solution to its perceived problem. Due to the abolition of the internal borders, it managed to convince the other EU member states of the benefit of common EU solutions. These two factors can obviously not be completely ignored when discussing how certain framings of irregular immigration are made possible. Nevertheless, as stated above, factors like these cannot be seen as an independent reason for a certain frame, as they do not cause predetermined consequences, but are always filtered through the field’s distribution of capital and actors’ habitus. It may for instance at first seem obvious that the abolition of internal borders would result in promotion of intensified control of the external borders. However, as van Munster has showed, the severe endorsement of compensatory measures was actually not a salient feature at all at the beginning of the Schengen cooperation. In the original 1985 Schengen accord, the majority of space was instead dedicated to questions of how to enable easier cross-border transport, and very little to talk about compensatory measures. According to van Munster, the reason for the subsequent intensified focus on compensatory measures relies more on the significant entry into the field of security professionals and the relative withdrawal of ministries of transport, than an inevitable course of events determined by the Schengen cooperation (van Munster 2009, 18-21). Thus, the increased border control was not an inherent effect of the Schengen cooperation. For in-
stance, it could just as well have spilled over into enhanced free movement and a more relaxed view of the external borders, and hence followed the same logic as the internal borders did. This shows that the factors that a number of other scholars have pointed out as key to the development of the EU immigration policy (i.e. spill-over from economic integration and increased immigration to Western Europe) cannot provide a full understanding of the characteristics of the EU immigration policy, and certainly not the Commission’s frames. They are simply not self-evident determinants of effects, but are filtered through the bureaucracy in question. This does not mean that spill-over and external events are unimportant, but it does mean that to understand the characteristics of the development of the EU immigration policy, the composition of the EU organization and its institutions must also be studied, which I in this dissertation go to some lengths to do. This study importantly adds to the research on the development of the EU immigration policy by highlighting the role of the bureaucracy, and more specifically the Commission, by studying how this institution has framed the issue of irregular immigration and what role the internal logic has played in making those frames possible.

A Note on how Frames are linked to Field, Capital and Habitus

As already stated in different ways, there is a link between the Commission’s framing of irregular immigration and the Commission field, capital and habitus. It should, however, be stressed that this link should not be theorized as a causal mechanism between cause and effect, since this kind of reasoning relies on a positivist ontology and epistemology, assuming that objective mechanisms exist out there waiting to be discovered (Pouliot 2007, 373). Instead, in line with the dissertation’s constructivist perspective, the link should be understood as a constitutive relation, where the Commission’s specific framing of irregular immigration is made possible through the characteristics of the Commission field, capital and habitus. Put differently, certain frames are authorized by the field (see also Guzzini 2006). The analysis is hence not one that studies causality, but a constitutive analysis of how social facts are made possible. Pouliot argues that there is in a sense no reason for constructivist researchers to establish independent variables, i.e. to establish why social facts come about, because the independent variable is simply always that the relevant actors perceive the social facts as the truth. Instead, he says, for constructivists “[t]he interesting question is what intersubjective context makes such a social fact possible” (Pouliot 2007, 373). He illustrates the link between the social fact and the intersubjective context in the following way: something X counts as a social fact Y in context C
(Pouliot 2007, 373-374, see also Searle, 1995: 28). This illustration nicely demonstrates how this dissertation goes about its analysis: it firstly, through the analysis of frames, determines what irregular immigration (the X) counts as (the Y) in the context of the Commission (the C). It then analyzes the Commission field, capital and habitus (the C) to learn what made possible the framing of irregular immigration as Y. The relation between Y (the framing of irregular immigration) and the C (The Commission field, capital and habitus) is hence not primarily a causal one, but a constitutive one.  

Summing up the Chapter

What this chapter has shown is that there is a need to analyze the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats. To be able to analytically determine to what extent it contributes to threat construction, there is a need to empirically investigate problem definitions and policy solutions. This chapter therefore introduced the concepts of diagnostic and prognostic frames, which are the manifestation of Commission officials’ belief systems. To analyze how certain frames are authorized by the inner logic of the Commission at the expense of others, and to link this to how power is embedded in reality construction, the three Bourdieusian concepts of field, capital and habitus were presented. The notion of field helps the researcher to highlight the importance of understanding that the Commission is a world of its own, with its own particular issues at stake, and its own power hierarchies among participants, and that the field has been shaped through historical struggles between these participants. The concept of capital helps the researcher to steer attention to how different forms of power are distributed in the field, not only economic capital, but also symbolic, which entails to analyze which actors that are considered legitimate framing actors and on what grounds. Lastly, the concept of habitus steers the researcher’s attention towards participants’ dispositions and routinized behavior, and how these tend to make actors act in a quite regular pattern, which authorizes certain framings of irregular immigration.

47 To focus on how the context C makes possible the framing of irregular immigration as Y, I lean on Pouliot (2007). Pouliot’s focus on the context C as part of a constitutive study differs from that of Wendt. While Wendt sees constitutive theories as static (X counts as Y) (Wendt, 1998: 105), Pouliot sees them as dynamic as he stresses the importance of studying how the context of C enables X to be counted as Y. To learn what in the context C that enables X to be counted as Y, the researches looks for what Pouliot calls constitutive mechanisms (Pouliot, 2007).
3. Methods and Data

In this chapter, the methods and data used to study the Commission’s framing of irregular immigration, as well as the Commission field, capital and habitus is presented. It first discusses the underlying methodology of the dissertation, then how the theoretical concepts have been operationalized, and finally the empirical data that was analyzed. It also brings up methodological considerations, and discusses questions of generalizability.

A “Sobjectivist” Methodology

As seen in the theoretical chapter, the ontology and epistemology of this dissertation is a constructivist one, which stresses anti-essentialism. Since methodology can be seen as “applied epistemology” (Lupovici 2009, 196), the research method must be consistent with the constructivist theoretical foundations. The methodology selected for applying the constructivist theoretical framework in empirical analysis is therefore referred to as “sobjectivism”, as developed by Pouliot (2007). As the label “sobjectivism” signals, it involves both the actors’ own subjective knowledge as expressed in language, as well as the researcher’s objectified interpretation of that knowledge. It thus includes both experience-near concepts as well as experience-distant ones (Pouliot 2007, 368; 2008, 284). To do this well, and thus be able to capture the actors’ subjective experience-near knowledge, it is necessary for the researcher to start out inductively (Pouliot 2007, 364). To be open to let the subject studied speak for itself. This is exactly what this study has done to a very large extent. For instance, the coding scheme for the study of frames was developed only after I had read quite a large amount of the studied documents, and thus knew what the recurring themes of the texts were, as opposed to having elaborated a coding scheme based solely on con-

48 That I write “objectified” interpretation as opposed to “objective” is in accordance to the constructivist perspective of this dissertation, which stresses that the researcher is, of course, not an objective observer. The researcher is as much a part of various fields, not least the academic field, as the studied bureaucratic actors are part of the Commission field. Has this affected the study in any way? Most likely, yes; there is a logic of the academic field that the researcher does not stand outside, as, for instance, Bourdieu has shown in Homo Academicus (2001)[1990]. However, this is no more or no less the case for the researcher of this study than for researchers of other studies, including more traditional positivist studies.
cepts deduced from previous studies. For the inductive research strategy to work, it has also been imperative to have a large amount of empirics that provided first-hand subjective knowledge, which this dissertation has indeed had, both in the form of Commission documents as well as in the form of interviews with Commission officials. This study can thus be said to make use of empiricism, without relying on a positivist epistemology (cf. Neal 2013). After the inductive study of subjective knowledge, the researcher subsequently objectifies the subjective meanings, by putting them in a larger intersubjective context. Instead of having several disconnected subjective meanings, the researcher interprets them into common patterns, what Pouliot calls “webs of meaning” (Pouliot 2007, 370-371). A sobjectivist methodology is not necessarily very different from how studies relying on another ontology and epistemology, e.g. positivism, go about research in practice (Pouliot 2007, 379). The point I wish to make here is not to say that sobjectivism is something new and utterly unique, but to show that it is a methodology that fits constructivism, and stresses the importance of an inductive bottom-up perspective that starts close to the documents studied and the persons interviewed.

As is described in more detail below, this dissertation uses the sobjectivist research strategy in two different ways in the empirical chapters. In the first and second empirical chapters, which analyze how the Commission has diagnostically and prognostically framed irregular immigration (and thus are the manifestation of Commission officials’ belief systems), the subjective knowledge comes in the form of the text-near articulations of Commission documents. The objectified interpretation by the researcher comes in the form of weaving together those articulations into more abstract patterns; frames and discourses basically. In the third empirical chapter, which analyzes the inner logic of the Commission (to see how certain frames are authorized over others) the subjective knowledge comes in the form of the text-near articulations of Commission documents. The objectified interpretation by the researcher comes in the form of weaving together those articulations into more abstract patterns; frames and discourses basically. In the third empirical chapter, which analyzes the inner logic of the Commission (to see how certain frames are authorized over others) the subjective knowledge comes in the form of the text-near articulations of Commission documents. The objectified interpretation by the researcher comes in the form of weaving together those articulations into more abstract patterns; frames and discourses basically.

While the methods in this dissertation are empirically rigorous, they are part of an interpretative methodology, and in the end, it boils down to the researcher’s ability to make fair interpretations of the subjects studied. It is then up to the recipient, i.e. the reader, to decide whether the interpretations are reasonable or not. I wish, however, to underline that I have invested a significant amount of time in getting to know both the institution of interest, i.e. the Commission (as well as the other EU institutions), and the policy area of interest, i.e. the policy on irregular immigration (as well as the whole of the immigration policy), which should facilitate the reasonability of the empirical interpretations. Moreover, the researcher is careful to display how analysis is made and to provide the reader with many,
often lengthy, quotes from the studied documents and interviews (to see how reliability is dealt with specifically in the content analysis, see appendix 1).

A Case Study Approach

Already in the introductory chapter, it was stated that this dissertation studies the Commission as a case of a bureaucracy without a clear interest in threat expansion. It is hence a case study. A case study is a qualitative research method that allows for in-depth analysis of one single case, as opposed to quantitative methods that study large-N correlations. There are, however, different kinds of case studies. One common type is a positivist case study that seeks to establish the causal mechanisms that make certain independent variables lead to specific outcomes on a dependent variable (see King, Keohane & Verba 1994). The basic idea is then that the results should be generalizable, i.e. to be true also for other similar cases. Not surprisingly, this kind of case study does not fit the constructivism of this dissertation. For one, constructivism does not believe in social laws “out there”, and hence there are no cases that one can simply generalize to without problems. So while the Commission is in this study a case of a bureaucracy without a clear interest in threat expansion, one cannot take for granted that the empirical findings necessarily apply to other such bureaucracies. Instead, constructivists often argue that what should be generalized is not so much social laws, as the theoretical concepts that are often the ultimate result of the analysis. Constructivists can have the ambition of generating analytical concepts that can be useful also to study other cases (Pouliot 2007, 379). This means that the theoretical conclusions of this dissertation (see concluding chapter) can be used to study other cases also. That said, one should, of course, not rule out the possibility that the empirical findings also apply to other bureaucracies without a clear interest in threat expansion, but it is an empirical question and not one that can be settled pre-empirically, as the search for universal social laws would make us believe. Rhinard & Vaccari argue that while the Commission is in a sense certainly unique, it does at the same time have some traits that are very similar to other bureaucracies and is therefore well suited for studies that seek to discuss certain issues at a more general level (Rhinard & Vaccari 2005, 393-394). This basically implies that what happens in the Commission might happen in other bureaucracies as well. Even though the theoretical assumptions of constructivism reject strict generalization, one should at least not be surprised if several of the features in the Commission would also be present in other similar bureaucracies. Some scholars have also stressed important differences between the Commission and most national level bureaucracies. Nugent, for example, points out that the Commission has some tasks, notably that of policy initiator, that usually
are reserved for politicians in leadership and not for bureaucracies (Nugent 2001, 10-18).

Studying Frames through Qualitative Content Analysis

The method applied for the first two empirical chapters of this dissertation is a qualitative content analysis. It is a method that is particularly suited for analysing large amounts of documents, and trying to discern possible patterns and changes over time in those documents (Berg & Lune 2012, 375-376; Bergström & Boréus 2005, 45). The reason to study a large amount of Commission documents, instead of only the few that could be seen as the main documents on irregular immigration, is that in order to pinpoint the Commission officials’ ongoing belief systems it was preferable to study their continuous views. It was, moreover, important not to miss those documents that were not necessarily the central ones on irregular immigration, but nevertheless brought it up in connection to related issues, for instance on border control. Content analysis is therefore very useful for the analysis of the Commission’s framing of irregular immigration, in official documents during the years 1974-2009.

Content analysis is a method applied when a researcher seeks to measure how often a certain phenomenon, for instance a specific word, metaphor, theme or idea appears in a text (Berg & Lune 2012, 349; Bergström & Boréus 2005, 44; Neuendorf 2002). This focus on frequency analysis shows that content analysis has inherent quantitative features. The weight awarded to frequency analysis relies on the assumption that the more often a certain thing, in this study a certain frame, appears in the empirical material, the more important it is to the text producer (Hermann 2009, 156-157, see also Boréus 1994, for an empirical application). This enables the researcher to operationalize the presence of frames straightforwardly. If the Commission keeps referring to irregular immigrants in a certain way and keeps suggesting the same policy solutions, then these definitions and solutions are what is seen as the truth in the Commission. Further interpretation of what exactly this “truth” is, and how it should be understood, is discussed in the empirical chapters. If the framing suggests that irregular immigration causes negative consequences (in accordance either with politics of unease or a politics of exception), I consider it as contributing to threat construction. More specifically, this is the case when irregular immigrants are diagnostically framed as threats to the EU, or prognostically framed as mainly in need of being averted. The quantitative elements of content analysis can, moreover, usefully be coupled with more qualitative elements. This is the case when a researcher is interested in making more complicated interpretations of the text than, for example, mere word counting, and instead seeks to measure and analyze the presence of certain themes or ideas (Bergström & Boréus 2005, 45; Her-
It can hence be combined with other types of document analyses, such as analysis of ideas and ideology or discourse analysis (see e.g. Boréus 1994; Berg & Lune 2012, 363-364). Balzacq argues that content analysis has much to offer studies of securitization, which to a large extent have been occupied with elements of discourse analysis. As an example, Balzacq mentions that content analysis may be used qualitatively for asking whether or not a securitizing frame is present (Balzacq 2011, 50-51). This is obviously very close to my research aim and hence it will come as no surprise that I, for this part of my study, use exactly that. His advocacy of content analysis is based on the argument that the quantitative aspects of content analysis allows for some rigour and systematic research, which may sometimes lack in discourse analyses. At the same time, content analysis may run the risk of focusing too much on frequency of certain words (at least when using very little in the way of qualitative elements), and is therefore well advanced by the supplementation of also focusing on the more ideas-based side. Therefore, I am coupling the content analysis with just a pinch of discourse analysis, in order to see which larger discourses to which each frame is a part (see more below). Often, content analysis is used for studying how a certain issue is portrayed, and whether this portrayal is of a positive or negative nature (Bergström & Boréus 2005, 47). This is also the case in this dissertation.

To capture possible changes in the Commission’s view of immigration, it is helpful to analyse the information in the documents along three levels of abstraction, the highest being where discourses are located. Each level represents a move upwards an abstraction ladder that more easily lends itself to an analysis of whether irregular immigration is constructed mostly as a threat or something else. For the analysis of diagnostic framing, the levels are the following: situated at the most basic level is the problem definition, i.e. the description of irregular immigration that is found in the text. At the second level is the diagnostic frame that the description can be said to be part of, and at the third level we find the larger discourse that the frame is part of. Frames are hence parts of a bigger story or discourse (cf. Laws & Rein 2003, 174). To give an example: if irregular immigrants in a Commission document are described as being victims of ruthless traffickers, this is the description at the lowest level of abstraction and hence very close to the text. Since the Commission in this description expresses the view that irregular immigrants are victims, the diagnostic frame that the description can be said to be part of is furthermore a “Victim frame”. To understand

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49In spite of Balzacq’s call for the increased use of content analysis in studies of securitization, only two out of eight empirical chapters in the volume that he edits use it. They use it (combined with other research methods) to study why audiences sometimes do not accept a securitization move (Salter 2011) and how different audiences react when the media employ securitization frames (Vultee 2011). In other studies of securitization and security framing, it is even more unusual.
more easily if this frame is part of a larger understanding of immigrants as threats to the EU or not, the “Victim frame” is next made one step more abstract when it is categorised as being part of a “Threat to immigrants discourse”, i.e. a discourse that understands irregular immigration as being first and foremost a threat to immigrants themselves.

For the analysis of prognostic framing, which is more action oriented, the levels are instead as follows: the most basic level is the policy instrument, i.e. the actual instrument that the Commission wishes to use to handle irregular immigration. At the second level is the prognostic frame that this policy instrument can be said to be part of. The third level, the grand strategy, again tries to capture even more evidently the larger trend that the prognostic frame is part of. To exemplify; if the policy instrument that the Commission advocates is to create a European Border Guard, this is found at the lowest level of abstraction. One then moves upwards to the next level of abstraction and the prognostic frame that the European Border Guard can be said to be part of, is a “Border control” frame. At the highest level of abstraction, one can consider this to be part of a grand strategy that is focused on “Averting immigration”, which shows the general direction of the policy instrument advocated by the Commission (and hence whether the Commission is involved in constructing irregular immigration as a threat). The reason for calling the most abstract level discourse as concerns the diagnostic framing, and the same level grand strategy when it is concerned with prognostic framing, is that I wish to capture that the former is more engaged with descriptions and the latter is more action oriented, and since one deal with problem definitions and the other with policy solutions, which this dissertation argues should be kept apart in analysis. The reason for having three levels of abstraction is that it provides information that is helpful in different ways to the analysis. The most basic level is helpful in that it is the most “text near” and hence is to be found in the actual texts. It is this level that the content analysis first observes in the Commission documents. The drawback is that it is too diverse in the sense that it is very hard to perceive of any general understandings or changes if the main focus was to be these most basic descriptions of irregular immigration, or the most basic policy instruments. The second level, which concentrates on frames, allows for more general analysis of what the different descriptions and policy instruments actually signify in the sense of more general trends, while not losing sight of the more detailed descriptions and policy instruments that are its building stones. Therefore, it is at this mid-level that the analysis is focused when the findings are discussed in the empirical chapters. Still there is a need to spell out as clearly as possible the larger ideas that the frames can be seen as being embedded in, especially as concerns whether or not these ideas involve seeing or treating irregular immigration as a threat to the EU, which is why the general discourse and grand strategies are also categorised and discussed.

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Levels of abstraction:
1) Detailed description → Diagnostic frame → Discourse
2) Policy instrument → Prognostic frame → Grand strategy

The move upwards from description to diagnostic frame and then to discourse, as well as from policy instrument to prognostic frame and then to grand strategy, is made based first and foremost on the Commission’s own argumentation of what irregular immigration is about and why a certain instrument should be used. Even so, it should be stated that frames, discourses and grand strategies do not exist “out there”, but are constructed for the sake of analysis by the researcher who sorts different descriptions and policy instruments into groups of a shared understanding, i.e. the frames, discourses and grand strategies. While descriptions and policy instruments are explicit in the texts, frames, discourses and grand strategies are only implied by the nature of these descriptions and instruments. (For the more detailed coding scheme and description of method, see appendix 1).

At the centre for analysis in the empirical chapters are the diagnostic and prognostic frames (analyzed in one empirical chapter each). It is the relative frequency of the frames that is calculated, to see whether the importance of them has changed over time. Each frame is counted at most once per document (similar to Boréus 1994, 367). In the table below, the filled in boxes in the empirical chapters is presented. One should note that the 36 years that are studied are divided into four different time periods that are compared with respect to the relative frequency of the frames in each period. The time periods are 1) 1970s and 1980s, 2) 1990s, 3) 2000–2004, and 4) 2005–2009. It may at first appear that the time periods are inconsistent in the sense that they do not cover the same amount of years, since 1) covers two decades, 2) one decade and 3) and 4) half a decade each, but the division is based on demonstrating as clearly as possible the trends and shifts of the frame usage over time. The division was not made before coding the documents, but was instead the result of the inductive process that showed that it was the clearest way to demonstrate the trends. Had the frames instead

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50 See also Binder (1993) on the issue of frames and content analysis.
51 The division of the time periods into the four categories of a) 70s and 80s, b) 90s, c) 2000–2004 and d) 2005–2009, made based on induction, also shows that change does not necessarily happen in accordance to nice decade divisions. Alternative divisions could have been to divide the years in accordance to the Treaties of the Union (Maastricht, Amsterdam etc.) or big world events (end of Cold War, 9/11 etc.). I have, however, also deemed these divisions limited in analytical power. The division based on treaties, for example, does not show very accurately the development of the frames, and moreover they do not coincide with world events that have a bearing on the frame development. On the other hand, to make divisions solely based on world events is not satisfactory either since these are not really the main key to what authorizes certain frames. Instead, I have let the “empirics talk to me” inductively. I started out by calculating the frames and only subsequently divided them into four time periods based on those periods being times of change. Only after that, I have tried to explain why
been compared decade-wise, the trends would have been blurred as by far the most documents were produced in the 2000s. The frequency is moreover presented in percentage form, which means that it matters little how many years are covered by each time period.  

Table 3.1 How to Present Findings regarding Diagnostic Framing

<table>
<thead>
<tr>
<th>Diagnostic frame</th>
<th>Discourse</th>
<th>Examples (detailed descriptions)</th>
<th>Frame frequency in documents</th>
</tr>
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<tbody>
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<td></td>
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</table>

Table 3.2 How to Present Findings regarding Prognostic Framing

<table>
<thead>
<tr>
<th>Prognostic frame</th>
<th>Grand strategy</th>
<th>Examples (policy instruments)</th>
<th>Frame frequency in documents</th>
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</table>

In each empirical chapter, three things are in focus. First, how the Commission’s frame usage has changed over time, and secondly, what more specific examples (descriptions and policy instruments respectively) that each frame cover, as well as what more general discourse and grand strategy that the frame can be said to be part of. This provides the answer to the question of to what extent the Commission contributes to threat construction. Though the analysis is centered on the Commission’s frame usage, in the empirical chapter on prognostic frames, I have chosen also to mention the formal decisions they change, which is a mix of EU internal changes such as treaty changes and external world events such as the end of the Cold War. I have throughout kept eyes on how these changes have related to the internal organization of the Commission concerning the issue of irregular immigration, which is discussed in-depth in the third empirical chapter.

52 This means that I am not primarily interested in how many documents that one specific frame is present in in absolute numbers, but in how large a share of documents that one frame is present in in any one time period. For instance, it would be incorrect to argue that the nine documents where the Commission portrays irregular immigration in a Socioeconomic threat frame during 2005-2009 signifies a trend towards the growing use of this frame, since it was only described in that frame in three documents during the 1970s and 1980s. A superior argument, and one that is made in this dissertation, is that the usage of the Socioeconomic threat frame has instead decreased, since the share of documents that used it in the 1970s and 1980s were 75% (3 out of 4 documents), and in 2005-2009 it was down to 26% (9 out of 35 documents).
made by the Council and the European Parliament, so that the reader is able to see the more formal effect of the Commission’s framing. A third thing that is discussed is which frame is most prominent. In addition to the frame analysis, I also examine what name that the Commission has favored for “irregular immigration” over time. Four alternative names are compared as regards their relative frequency: “illegal migration”, “irregular migration”, “clandestine migration” and “undocumented migration”. The findings are discussed in the first empirical chapter before the analysis of the diagnostic frames.

As for the diagnostic frames, there are six different kinds that the detailed descriptions could be part of: 1) Irregular immigrants as victims, 2) Socio-Economic Threat, 3) Threat to the EU Migration Policy, 4) Securitarian Threat, 5) Normalising frame, and 6) Irregular Immigration as Economic Benefit. Moreover, each description was also part of one of the following three discourses: 1) Threat to immigrants, 2) Threat to the EU, and 3) Non-threatening. Regarding the prognostic frames instead, there were no less than 12 different types that the policy instruments could be part of: 1) Border control, 2) Return Policy, 3) Surveillance, 4) Combat illegal employment, 5) Financial assistance to third countries, 6) Information exchange between EU member states, 7) Fight trafficking, 8) More legal ways into the EU, 9) Take care of victims, 10) Information campaigns, 11) Protection of rights, and 12) Visa Policy. In addition, each policy instrument was coded as being part of one of the following seven grand strategies: 1) Averting immigration, 2) Helping, 3) Provide rights to irregular immigrants, 4) A mix between averting and helping, 5) Open up to legal immigration, 6) A mix between averting and opening up, 7) Other. Each category came up inductively when reading the documents. The coding process is described in detail in Appendix 1.

Some Reflections Regarding Content Analysis

There are a few things to notice about the method of content analysis. The first is that it often relies on a positivist epistemology, which argues that the researcher must be a neutral observer counting objective phenomena in a text, and ensure that the results are replicable. Indeed, Neuendorf even incorporates this aspect of content analysis into its very definition: “Content analysis may be briefly defined as the systematic, objective, quantitative analysis of message characteristics” (Neuendorf 2002, 1). Her demand for objectivity accordingly appears as quite strong. For someone using a constructivist approach, which views reality as socially constructed, this is, of course, problematic. From this horizon, the researcher cannot be an objec-

53 Due to space limits, only prognostic frames supported in more than five documents are brought up in chapter 6.
tive, completely detached observer. It is impossible not to bring with her individual and social experiences into the empirical interpretations and thus be part of a construction of the meaning of that very text. That said, there is nevertheless no reason that content analysis should necessarily be tied only to the positivist epistemology, as long as one is clear about the premises under which research is conducted, meaning that the demand for objectivity be redefined to a demand for the researcher to simply be as transparent as possible in her interpretations. Therefore, in order to enable the reader to judge whether the interpretations made by the researcher are reasonable, a quite extensive use of quotes from the Commission documents is provided in the empirical chapters. A very detailed description of the coding process is, as said, also provided in appendix 1, which should help the reader to decide whether the findings are fair.

The second thing to notice is that the basic premise of content analysis is that it treats frequency as a sign of importance. This is somewhat flawed since what is important is not always codified (as, for instance, Bourdieu teaches us), and sometimes researchers should for that reason avoid content analysis. However, this depends on which entity one is seeking to study in the documents. When it comes to threat construction in the form of problem definitions and policy solutions, the likelihood of a complete silence from a policymaker like the Commission is extremely low. The Commission simply has to record which instruments it prefers since they otherwise will not be formalised, and in doing so it often also has to describe why it wants to confront the issue (though not always, which is why instruments are so much more present than descriptions in the documents studied). Content analysis is hence useful for the study of problem definitions and policy solutions in Commission documents, though it does not work for all other kinds of studies. When it comes to the inner logic of the Commission that actually authorizes these problem definitions and policy solutions, this to a large extent remains silent in the same documents. Consequently, content analysis cannot be, and is not, used for trying to uncover that logic. Instead, the third empirical chapter uses methods other than content analysis. The findings in the chapters on diagnostic and prognostic frames are, moreover, continually discussed in the third empirical chapter, which employs another method than content analysis, so as to ensure the deep understanding of the findings.

Commission Documents

The empirical investigation of how the Commission has framed irregular immigration relies on the arguably most important documents that the Commission produces; so-called Commission communications. These are documents addressed to other EU institutions, most often the Council and the European Parliament, and they variously contain legal proposals, reports,
descriptions of certain angles of a policy issue, impact assessments, and
green papers that aim at debating an issue with stakeholders outside of the
EU organization. (In EU lingo, I more specifically use COM and SEC doc-
uments.) They vary greatly in number of pages, ranging from around 10
pages to well over 200. I have omitted documents that solely consist of
agreements between the EU and a third party, such as various states, since
those are not well suited for a study of the Commission’s view of irregular
immigration. Commission documents formally reflect the position of the
whole of the Commission (whether this also applies informally is discussed
in the third empirical chapter). The documents were obtained above all by
using the search engines on the EU websites, such as Eurlex and Prelex, with
search words of different synonyms to irregular immigration. I have also
scanned EU websites, especially the involved DGs home pages, and asked
interviewees in the Commission to recommend documents, to ensure as far
as possible not to miss any documents that the search engines may have
overlooked. In the end, there appeared 56 documents. The ambition is that
the material consists of all the Commission’s documents produced from the
year 1974 through the year 2009 that in one way or the other brings up the
issue of irregular immigration.\textsuperscript{54} Though I cannot guarantee that there are no
other Commission documents out there containing information on irregular
immigration, it can to a very large extent be ruled out that there are many,
and definitely not enough to alter the overall findings of the empirical anal-
ysis.

Although the empirical material analyzed is based strictly on
Commission communications, the presentation of the results in the chapter
on prognostic framing is complemented with other types of sources, such as
other Commission documents, EU law, EU websites, EU budgets, external
evaluations and various brochures. The reason is that I wish to provide the
reader with a fuller picture of the instruments advocated by the Commission.
For one, the Commission often does not explain what the different instru-
ments involve. To give an example: the Commission may in a document
argue in favor of e.g. employer sanctions, without necessarily explain what
employer sanctions are. For the pure content analysis of what policy solu-
tions the Commission has supported over the years, this information is sati-
factory. However, when presenting these findings in the thesis text, I have
found it necessary to describe the policy instruments in more detail. Other-
wise, the reader might not understand what the advocacy of certain instru-
ments entails. In addition to describing what the different policy instruments

\textsuperscript{54}The minimum amount of times that the document must mention irregular immigration (or
any of its synonyms) to be included in the analysis was twice. The reason to have this kind of
threshold was to avoid documents that only mentioned irregular immigration, without either
describing it or state what kind of policy solution that ought to be used for it. If the issue is
just mentioned in a document without any information of definition or policy instrument, it
has not been of interest for this study.
involve, I have also often supplemented the analysis with information on whether the Commission’s advocated policy solutions have in fact become part of EU law and how much money is spent on them when implemented. With this information, which is not necessary for the content analysis per se, the reader is provided a fuller picture on what has happened in practice with the policy instruments advocated by the Commission.

Studying Field, Habitus and Capital through Qualitative Interviews

To analyze the Commission’s contribution to threat construction, it is not enough to determine how it has framed irregular immigration. It is also essential to understand how certain frames of irregular immigration were authorized at the expense of others. As described in the theoretical chapter, the researcher does this by directing attention to the inner logic of the Commission by using the analytical concepts of field, capital and habitus. To apply these concepts in empirical research implies a focus on Commission officials’ close reality, such as everyday routines, how they perceive of their work and colleagues, how history has shaped those things. This requires a study of the micro-level (see Villumsen 2008, 53-54). Appropriate empirical methods to apply the notions vary, but can include, for instance, the use of participant observation, qualitative interviews, statistics and texts (Bigo 2011, 245; Hammerslev, Arnholtz Hansen & Willig 2009; Leander 2008, 24; Pouliot 2007, 369). As pointed out by Pouliot, a method that captures the subjective knowledge (and experience-near concepts) of the actors studied is particularly well suited for the purpose (Pouliot 2007, 369). The major research method for analyzing the Commission field, the distribution of capital and officials’ habitus, is therefore qualitative interviews. They are, however, complemented with the use of other sources (see below). The interviews are focused on getting the researcher to know the actors and their close environment in a very deep way in order to interpret their actions and realities. This cannot be done by standardized mass-surveys, at least not solely, where actors are forced to deliver short and formal answers to questions that may not have much to do with the logic of how they lead their everyday lives. Instead, the researcher should invest in getting to know what really matters in a taken-for-granted way in the daily lives of the actors studied. It is actually to a large extent about the researcher making sure to get “a feeling” for the field, to understand how it works at a deep level. An important way to obtain this feeling is to perform research in the field. Bigo advocates field research and specifically warns about restricting analysis to evidence that can comfortably be obtained in the office. In field research he finds a powerful tool to “distance ourselves from the academic (and philosophical) illusion of the
primacy of discourse, obliging us to reflect further on the technologies of power and resistance” (Bigo 2001a, 98). It is hence very close to how this study has employed it; in order to understand the Commission’s framing (and discourses) of irregular immigration, the researcher has used qualitative interviews to closely scrutinize power relations in the Commission. The method most associated with Bourdieusian field research is probably participant observation. For empirical research in IR, participant observation is often impossible, since the actors studied are regularly working in places that are quite closed to those not working there, which has indeed been the case for this study. This does not mean that I have had no opportunity to observe how officials act in meetings, for instance. I had so during my stay at the think tank the European Policy Centre (EPC) in the fall of 2009, where I sometimes attended meetings between Commission officials, politicians, NGOs, think tanks, business companies, etc., organized by the think tank. This experience did not end up as substantial data to be analyzed in the empirical chapter, but rather served as a building block in getting a feeling for the Commission field. Instead of participant observation, the study of field, capital and habitus relies heavily on qualitative interviews.

Qualitative Interviews

During qualitative interviews the researcher seeks to “understand how the respondent thinks and feels, what experiences s/he has, what the respondent’s conception of reality is” (Trost 2009, 23, my translation). This helps me to reconstruct the field, capital and habitus. There are, according to Bueger, two types of respondents that are suitable for a study that wishes to interpret the kind of deep field knowledge that this study focuses on (he calls this praxiography since it deals with practice). These types may be referred to as 1) insiders and 2) outsiders. The insiders are those that have the first-hand experiences the researcher wishes to study, and the outsiders are those who lack that first-hand experience, but have spent significant time watching it from the outside (Bueger 2013, 18). The key respondents for this dissertation belong to the insiders group. They consist of Commission officials (and one former Commission official), and as such have first-hand experience of working within the Commission. They have the experience of the everyday routines within the Commission that is so important for this part of the dissertation, and are (consciously or unconsciously) familiar with the struggles of the field, what actors that are seen as legitimate, etc. Of the total amount of 33 interviews performed to enable an analysis of field, capital and habitus, 18 respondents belonged to this category. It is the answers from these re-

55 The original quote is in Swedish and reads: “förstå hur den intervjuade tänker och känner, vilka erfarenheter den har, hur den intervjuades föreställningsvärd ser ut”.

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spondents that form the main data for interpreting the Commission field. However, in addition to the insiders, I also performed 15 interviews with outsiders. These outsiders are not Commission officials, but have interacted with them in various ways in their capacities as representatives of the Council secretariat, one member state’s national administration (Sweden’s government offices), EU agencies, NGOs, a think tank and a trade union.\textsuperscript{56} Though the interviews with the Commission officials are the core data for analyzing field, capital and habitus, it has nonetheless been imperative to achieve the view from the outsiders as well. They have been able to provide their picture of the work carried out in the Commission, and their experiences of interacting with Commission officials (as well as the work they themselves carry out in their respective capacities, although this did not directly make it into the dissertation), hence providing the researcher with an even deeper understanding of the Commission field.

Respondents were selected based on their working in some way with the issue of irregular immigration (migration, borders, etc.) within the Commission or within relevant institutions that had experience from interacting with the Commission on the issue. For a list of the respondents, see References. My focus is on the comparatively low-level Commission bureaucrats, which is why I do not focus on Commissioners (who are also more politicians than bureaucrats). Some respondents were found on the EU’s and other institutions’ websites, and some were recommended by other respondents (so-called “snowballing”). The interviews were performed during the period from 2007 to early 2010. The main bulk of interviews, 27, were conducted face-to-face, while 6 were telephone interviews. Most interviews were recorded, and transcribed on a later occasion. If the respondent did not want recordings made, I took notes and typed out the full interview later the same day. The transcribed version of the interview\textsuperscript{57} was sent to the Commission respondent to provide him/her the opportunity to comment or correct should s/he want to. I only gave this opportunity to the Commission officials, as the interviews with them constitute the core data and they are often quoted at length in the empirical analysis. For the sake of ensuring candid answers from the respondents, as opposed to ones merely repeating formal political standard replies, they were granted confidentiality. Therefore, their name and gender are not revealed in this study. I refer to their...

\textsuperscript{56}I also wanted to interview actors within the European Parliament, and Business interest representatives. However, though I did try, I was never able to acquire any willing respondents. Unfortunate as that is, it is also a sign of the practicalities that research is always operating under. I have, however, tried to compensate for this deficiency by trying to get other interviewees to talk about the relation between the Commission and these institutions, as well as reading secondary sources that have helped shedding some light on the issue.

\textsuperscript{57}The transcribed version of the interview is not completely word-by-word, but almost. I omitted noises like “erhm” and alike, as well as parts where the interviewee wandered off to issues not connected to the questions of the interview.
workplace in quite generalized terms, for example “DG JHA”, “DG of the Relex family” or “DG Employment” rather than the unit they work in, which makes the exact identification of the respondent highly unlikely, but still allows for important patterns to be revealed and analyzed. The kind of interviews performed were qualitative semi-structured interviews with open-ended questions. In these, the researcher asks some pre-established questions, but makes room also for follow-up questions that arise in the moment in response to the answers given by the respondent. The interview guide that I composed and used during interviews revolved around the respondent’s daily experience with working on irregular immigration, and though at core similar, it differed somewhat due to questions having to be formulated so that they suited each respondent’s particular situation (affiliation, experience, etc.). The interviews started out with easy questions on the respondent’s background and daily tasks to be carried out. These not only provided useful information for my analysis, but also made the respondents comfortable in the interview situation, which is incredibly important for the rest of the interview to be fruitful (Trost 2009, 64). After these initial questions, the interview continued with questions that demanded a little more from the respondents by sandwiching more challenging questions on how they thought the EU should handle irregular immigration with easier questions on the work carried out in their workplace. The next kind of questions in the interview concerned the actors that they normally interacted with, and the quite provocative question of who they thought was influential in policy-making on irregular immigration, not only formally but also informally. The last questions concerned simply asking for relevant documents and other persons that they thought would be helpful to interview. For a sample version of the questions asked in the interviews, see Appendix 2. See also below in Table 3.3, for further information on how the interview questions were derived from the theoretical concepts of field, capital and habitus.

As the interviews were carried out from 2007 until early 2010 and the study of the Commission’s framing of irregular immigration concerns the years 1974-2009, the interviews are obviously not able to cover all the years that this study is interested in. While the interviews have been incredibly helpful to understand the Commission field, capital and habitus in recent years, today’s legacy of historical struggles in the field, as well as have given hints about past events and struggles, they have had to be complemented with other types of data, not to miss how the organization of the Commission field has authorized different frames in previous times. However, due to the interviews being the core data (and the issue of irregular immi-

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58 One possible criticism is that the group of “DG Employment” only consists of two people, which may make it easier to identify them. However, since there are two, even if a reader should suspect who they are, which is not very likely, it is still impossible for the reader to uncover exactly who said what.
gration having become a big issue only in the 2000s), the empirical chapter is still mainly devoted to an analysis concerning recent years.

Other Sources

The empirical material that has helped me to study the internal life of the Commission already from the year 1974, for which the interviews were not enough, is made up of mainly of secondary sources, but also the EU website, the EU budget (regarding the funds handled by the Commission to deal with issues linked to irregular immigration), some newspaper articles, and a few position papers from actors external to the Commission field. The secondary sources consist of academic literature written by scholars studying the EU institutions, primarily the Commission, and/or the development of the EU immigration policy in one way or the other. Though they have not employed the concepts of field, capital and habitus, they have been of great importance for me to understand how the Commission field is structured. By highlighting certain aspects of the information in the sources (see the analytical questions in Table 3.3 below), I have thus been able to discern the information needed to reconstruct the Commission field, capital and habitus. The secondary sources have been especially helpful for the analysis of field, where an important aspect is to dedicate some space to the “reconstruction of the field’s genesis and structure” (Larsen 2009, 40, my translation from Danish). This means that the researcher depicts how the field has been formed into its present shape through historical struggles between participants in the field. Since the secondary sources are not only dealing with the present situation, they have enabled me to do this. Moreover, the secondary sources have also helped me to understand what have been the significant events affecting policy-making on irregular immigration, and thus enabled reflection on how such events influence the Commission field and the capital and habitus of the Commission officials. The kind of questions that I posed to the empirical material we turn to now.

How to Analyze Field, Capital and Habitus

When it comes to analysing the empirical data, and in particular the interviews, the kind of information of relevance to establish the field, capital and habitus is often only indirectly obtainable, through interpretation (Bourdieu & Wacquant 2007 [1992], 230-231; Bueger 2013, 6). As important as the actors’ own subjective experiences are, it is necessary for the researcher to objectify this knowledge through interpretation, to make explicit that which is implicit (Pouliot 2007; Bourdieu, Chamboredon & Passeron 1991, 252). To be able to go from the subjective experiences of the Commission officials to the objectified level of the theoretical concepts of field, capital and habi-
tus, I developed an analytical framework that operationalized the concepts into more tangible aspects, which were further translated into effective interview questions. To give an example: the theoretical concept of symbolic capital was in a first step operationalized into a number of analytical questions, such as “who is a legitimate speaker and on what grounds?” As this kind of question is analytical, and largely concerns respondents’ tacit knowledge, it cannot be posed directly to a respondent during the interview. Instead, the analytical question was in a second step operationalized into questions that would work to ask in the interviews, which was in this case, ”which actors do you consult or communicate with?” After the interviews were carried out and transcribed, I posed the analytical questions to the empirical data, and was thus able to reconstruct the Commission field, capital and habitus. When the interviews were not enough, I complemented with other sources.

In the table below, the two steps of operationalization of field, capital and habitus are presented, and simultaneously it is a picture (in reverse order) of how I move from subjective to objectified knowledge. It should, however, be stated that all three concepts are actually much intertwined, and are separated only with some difficulty. Thus, answers to one and the same interview question often provided insights into more than one analytical question, and answers to one and the same analytical question could help the reconstruction of more than one theoretical concept.
Table 3.3 Operationalization of Field, Capital and Habitus (A→C) as well as Analytical Strategy for Moving from Subjective to Objectified Knowledge (C→A)

<table>
<thead>
<tr>
<th>A) Theoretical concept</th>
<th>B) Analytical questions posed to empirical material</th>
<th>C) Examples of interview questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field</td>
<td>• What is at stake in the field?</td>
<td>• With whom do you communicate or cooperate inside the main EU institutions as regards illegal immigration issues? (Who? How? Why? On what specific issues?)</td>
</tr>
<tr>
<td></td>
<td>• What are the core tasks in the Commission?</td>
<td>• How do your DG’s policy preferences differ and converge with that of other DGs?</td>
</tr>
<tr>
<td></td>
<td>• Who are the participants in the field? How has this changed over time?</td>
<td>• Have you noticed any competition over which DG that should deal with illegal immigration?</td>
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<td></td>
<td>• What issues do the participants normally deal with?</td>
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<tr>
<td></td>
<td>• How has the field grown and divided its participants in different groups or sub-fields?</td>
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<tr>
<td></td>
<td>• Have there been any struggles between the positions?</td>
<td></td>
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<tr>
<td></td>
<td>• Who is formally in charge over the issue of irregular immigration?</td>
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<tr>
<td></td>
<td>• What kind of contacts do the participants have with each other?</td>
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<tr>
<td></td>
<td>• How do the participants relate to each other?</td>
<td></td>
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<tr>
<td>Capital</td>
<td>• What is considered capital in the field? What is a resource in the Commission?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Economic capital:</td>
<td>• How long have you worked here with these issues?</td>
</tr>
<tr>
<td></td>
<td>o How many works on the issue in each DG?</td>
<td>• What did you do before?</td>
</tr>
<tr>
<td></td>
<td>o What DGs are in charge over what EU funds? How has this changed over time?</td>
<td>• How many people are working with the issue of illegal immigration in your DG/Unit?</td>
</tr>
<tr>
<td></td>
<td>o What role does economic capital play for a participant’s status?</td>
<td>• When do you consult with other DGs?</td>
</tr>
<tr>
<td></td>
<td>• Symbolic capital:</td>
<td>• With whom do you communicate or cooperate inside the main EU institutions as regards illegal immigration issues? (Who? How? Why? On what specific issues?)</td>
</tr>
<tr>
<td></td>
<td>o What kinds of symbolic capital are there in the Commission field?</td>
<td>• With whom do you communicate or cooperate on the EU member states’ national level?</td>
</tr>
<tr>
<td></td>
<td>o Who is a legitimate speaker and on what grounds?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Who has personal or institutional status?</td>
<td></td>
</tr>
</tbody>
</table>

(N.B. In addition to interviews, the analysis of field relies heavily on secondary sources.)
<table>
<thead>
<tr>
<th>Who makes things happen?</th>
<th>With what outside actors do you cooperate or communicate?</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is it about this agent that makes things happen?</td>
<td>Do you ever set up expert groups or working groups? For what tasks? Who participates? How are they formed?</td>
</tr>
<tr>
<td>o Who makes things happen? What is it about this agent that makes things happen?</td>
<td>Which actors do you believe are influential in shaping the EU’s approach to illegal immigration? Not only formally but also informally.</td>
</tr>
<tr>
<td>o Who gets invited to meetings?</td>
<td>Why are certain actors more influential than others? Please give concrete examples.</td>
</tr>
<tr>
<td>• How is capital distributed among the participants? Who has a lot of what capital? Who has little?</td>
<td></td>
</tr>
<tr>
<td>• What strategies are available to those with a lot of capital? What are available to those with little? How can one act to make things happen?</td>
<td></td>
</tr>
<tr>
<td>• How is the nature of capital linked to the framing of irregular immigration?</td>
<td></td>
</tr>
<tr>
<td>Habitus</td>
<td></td>
</tr>
<tr>
<td>o What is a typical background among Commission bureaucrats and in the various DGs?</td>
<td>How long have you worked here with these issues?</td>
</tr>
<tr>
<td>• What did the Commission bureaucrats do before entering the Commission (work in similar sub-fields or other)?</td>
<td>What did you do before?</td>
</tr>
<tr>
<td>• Common dispositions? How does the Commission form the bureaucrats in it?</td>
<td>Can you please walk me through the main tasks of your present work? What does a typical day/week/month look like? What tasks are to be carried out?</td>
</tr>
<tr>
<td>• What is typical behavior, standard operating procedures, in the Commission and its various DGs?</td>
<td>What would you say are the main challenges posed by illegal immigration? Why is there a need to have policies on it?</td>
</tr>
<tr>
<td>• What are the ways of operating in the Commission? What is normal (and possibly unreflected) behavior in the Commission?</td>
<td>What are the goals of your work on the issue? What goals do you wish to achieve?</td>
</tr>
<tr>
<td>• What are their day-to-day routines?</td>
<td>What are the obstacles to achieving those goals?</td>
</tr>
<tr>
<td>• What does a normal workday look like?</td>
<td>How do you think the EU should deal with the issue of illegal immigration?</td>
</tr>
<tr>
<td>• What different factors do the participants have to take into consideration when they work with the issue of irregular immigration?</td>
<td>Which do you consider the most important proposals presented by the Commission? Why?</td>
</tr>
<tr>
<td>• What is important to the Commission bureaucrats? What is taken for granted?</td>
<td>What is missing today? What, if anything, is left for</td>
</tr>
<tr>
<td>• What are the shared values in the Commission and its sub-fields?</td>
<td></td>
</tr>
</tbody>
</table>
What do the field participants think about the Commission and the work performed there?
What do the field participants think about the Commission’s relations with other actors and institutions?
What do the field participants think about irregular immigration?
What is seen as realistic and what is seen as unrealistic?

the EU to do to achieve a satisfactory policy on illegal immigration?

In the empirical chapters, I continuously discuss the findings in relation to the two previous chapters, thus trying to link the features of the Commission field, capital and habitus to how the usage of certain frames has been made possible.

Methodological Considerations

One important reflection on the methodology of subjectivism is that it is in a sense a risky business when it comes to interviews. To move from the subjective knowledge of the interviews to objectified knowledge involves an element of the researcher saying to the respondent “I know better what you do than you yourself”. This is inherently so when working with the Bourdieusian perspective, since it involves the researcher’s objectified illumination of the studied actors’ tacit knowledge. There is hence a kind of tension between the researcher’s story and the studied actors’ stories. Bourdieu reflects on this and argues that while his notions such as habitus and field were created to oppose both the positivism and structuralism where scientists claimed “to know the truth of people better than those people themselves”, it also actually involved a strong degree of the researchers’ objectified analysis of the actors’ own subjective experiences:

Ideas like those of habitus, practice, and so on, were intended, among other things, to point out that there is a practical knowledge that has its own logic, which cannot be reduced to that of theoretical knowledge; that, in a sense, agents know the social world better than the theoreticians. And at the same time, I was also saying that, of course, they do not really know it and the scientist’s work consist of making explicit this practical knowledge, in accordance with its own articulations (Bourdieu, Chamboredon & Passeron 1991, 252).
The actors studied thus know their everyday situation better than the researcher and should thus never be overlooked, but at the same time actors still tend to miss the overall analysis, for which the researcher is needed. I wish to stress that I do take my respondents very seriously, what they say and claim is their daily reality that no one knows better than themselves. At the same time, they are in a sense standing too near their experiences to be able to get the full picture of them. The goal of their jobs at the Commission is not the same goal as mine as a researcher, which makes me focus on other things. As a researcher, I have some theoretical tools available to see another aspect of their experiences, and even a larger, overall picture of them. A question that arises is what happens if the respondents would not agree with my analysis of their experiences – would it mean that my analysis is mistaken or would it mean that they do not understand their own experiences? The perhaps unsatisfying answer is that there is no simple way to answer this question. Both options are possible. Not everyone would, for instance, agree with Bourdieu’s analysis of male domination (2004b), but that does not necessarily mean that his analysis is mistaken. On the other hand, one cannot take for granted that actors do not understand their own experiences, and that the researcher is always right. The way to address this problem is probably to be very careful to provide the reader with correct quotes that in a fair way portrays the respondents’ experiences and views. The respondents should in principle be able to agree that those are the correct portrayals of their experiences and views. When it comes to the researcher’s analysis of them, however, the same line of reasoning does not apply. It is simply up to the reader to determine whether the analysis made is reasonable or not. That is the constraint that a Bourdieusian constructivist perspective operates within, and probably the only way to address it.

Empirical Delimitations

Years Covered by the Empirical Analysis

This study analyses the development during a time span of 36 years, stretching from 1974 to 2009. The year 1974 was selected as a starting point based simply on it being the year that irregular immigration first was mentioned in a Commission communication. In selecting the end year, I wanted the empirical analysis to cover a sufficient amount of years for it to be able to illuminate changes over time, and therefore chose a year many decades down the road, 2009, which also marks the last year before the Lisbon Treaty entered
The time span 1974-2009 includes both important intra-EU developments such as the Schengen Agreement, the Single European Act, the Maastricht Treaty, and the Amsterdam Treaty, as well as major events external to the EU organization, such as the end of the Cold War, the wars in the former Yugoslavia and the terrorist attacks of 11 September 2001, which are considered possibly to be involved in the changes of the Commission field’s framing of irregular immigration.

Irregular Immigration and its Relation to Other Types of Immigration

Though this dissertation deals specifically with irregular immigration, sometimes other types of immigration have been relevant too (legal immigration, labor immigration, asylum/refugee immigration). For instance, in the empirical analysis of the evolution of the Commission field, it was sometimes impossible to leave out other types of immigration policy, since they were so interlinked. When this has been the case, it is explicitly stated.

Defining “the EU”

This dissertation uses the term “the EU” to signify the whole of the organization of the European Union in Brussels. The term thus does not refer to all its member states’ activities in their respective national settings. “The EU” in this dissertation is also used to signify all its predecessors before the Maastricht treaty entered into force in 1993, although the European Union as a term was then not yet a term applied. In using such terms as “EU territory” the dissertation sometimes refers to the more limited Schengen area, but has chosen to use the term EU territory for reasons of simplicity. When speaking of the individual EU institutions, the dissertation instead uses the terms the Commission, the Council, the European Parliament, etc.

Summing up the Chapter

The method selected to study the extent of the Commission’s contribution to threat construction is content analysis. The content analysis is based on Commission documents from between 1974-2009. For the study of how certain frames are authorized at the expense of others by the inner logic of the Commission, the researcher instead relies on qualitative interviews with

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59 To be precise, the Lisbon Treaty entered into force 1 December 2009, which means that it was actually “active” for one month during the time span of 1974-2009. However, this is not assumed to bear much importance for the empirical study.
a number of Commission officials, as well as persons external to the Commission, but with experience of having interacted with officials. The interviews allow the researcher to reconstruct the Commission field, capital and habitus.
4. The Empirical Context: The EU and Irregular Immigration

This chapter gives the reader relevant background knowledge of the EU, the Commission and irregular immigration. In contrast to the subsequent chapters, which provide a thorough empirical investigation and analysis of the Commission bureaucracy and its framing of irregular immigration, this chapter only describes the formal decision-making procedures and existing laws. The reason is that the reader is probably helped by basic acquaintance with laws and decision-making procedures when reading the empirical analysis, not least to be able to see the differences between formal procedures and how the Commission’s day-to-day work is actually organized in practice on the ground. The second part of the chapter presents the phenomenon of irregular immigration in more detail, so as to give the reader a basic understanding of what it is, and an awareness of irregular immigrants’ living conditions. This is important, not only because this dissertation concerns the topic of irregular immigration and the reader thus should be familiar with how it is defined, but also since the living conditions of irregular immigrants are, at least in part, an effect of the policies towards them.

The Formal Organization of the EU and the Commission

The European Union refers, of course, to the transnational political and economic union that binds together 28 European member states. The three main institutions involved in EU decision-making are the Council of the European Union, the European Parliament and the European Commission. Though the decision procedures have changed over the years, the main pro-
procedure applied by the EU on the issue of irregular immigration in the latter years of the time period studied and when the interviews were performed, was co-decision (for more information on when and how the decision procedures have changed, see chapter 7 and the section on the evolution of the field). This implies, in somewhat simplistic terms, that the Commission draws up legal proposals, which the EP and the Council then decide upon.61 The institutions moreover differ from one another, not least in terms of their official goals. While each member of the Council represents a specific member state’s government, the members of the EP instead represent the EU citizens that have elected them. The Commission, on the other hand, is supposed to promote the common interests of the whole of the EU. Thus, the formal relation between the EU decision-making institutions and the goals of each institution are quite well defined. This should be kept in mind when reading chapter 7 and the section on the habitus of Commission officials, which shows that in practice both the relation between the institutions and the goals of the persons working in the Commission (I have not studied the goals of the Council and the EP) are actually more complex. Furthermore, the more complex relations and goals are thought of as authorizing certain frames of irregular immigration, as is discussed in the same chapter.

Since this study concentrates specifically on the Commission, there is also a need for the reader to learn a bit more about its formal organization. The Commission has more than 20,000 employees and is, in contrast to the Council, a supranational institution. Located mainly in Brussels, the Commission is made up of a number of departments, so-called Directorates-General (DGs), the amount and names of which have often shifted throughout EU history. Each DG is concerned with a certain policy area. The DGs that are of special interest to this study are, as seen in chapter 7, DG Employment, which works mainly with labor market issues, DG Justice and Home Affairs, which deals with issues such as justice, police and immigration, and the DGs of the Relex family, which includes DG Relex, DG Development and DG Aidco and are concerned with external relations and development aid. The Commission DGs are led by a Commissioner. The number of Commissioners is the same as the number of EU member states. Each member state appoints one Commissioner, who sits at least one 5-year long term. The Commissioners are, in turn, led by the Commission president, who is appointed by the European Council. All Commissioners and the Commis-

61 In more detail, the co-decision procedure is the following: when the Commission is about to draw up a legal proposal, it consults concerned parties, such as business, civil society representatives, etc., to hear what they have to say about its content. It then adopts the proposal. The proposal is then handed to the Council and the EP, which separately may suggest changes. If the Council and the EP are not in agreement, there is a second reading of the proposal, where the two institutions can again suggest changes. If they now agree, the law is adopted. If they still cannot agree, a conciliation committee is formed, and might result in an agreement. Both Council and EP however have the right to stop the proposal.
sion president must also be approved by the EP, which can fire them should there be strong reasons for it (see chapter 7 regarding the dismissal of the Santer Commission due to the Edith Cresson scandal). Since this dissertation is particularly interested in the Commission as a bureaucracy, as opposed to a site of politicians, it does not focus on the Commissioners and the Commission president, since they are actually a political leadership. Instead, this dissertation is interested in the Commission’s permanent staff, i.e. the officials working there. These officials are responsible for the continuous operation of the Commission, and are deeply involved in the drafting of legal proposals. In addition to initiating legal proposals, which is arguably its most important task, the Commission also draws up and manages the EU annual budget (which is then decided upon by the Council and EP), it oversees the national implementation and application of EU laws and represents the EU in international negotiations, e.g. with African countries in the case of the Cotonou agreement (for further information, see the section describing the Financial assistance to third countries in chapter 6). Though the Commission consists of different DGs, it is formally considered one whole and when it adopts a legal proposal, it does so as one. Again, this is a formal description of the work of the Commission, and it should be contrasted to the more informal and unreflected logic of the Commission that is provided in chapter 7 and shows that there is more to the Commission’s internal life than first meets the eye.

In chapter 7, the evolution of the Commission bureaucracy in relation to irregular immigration is accounted for in detail. Therefore, there is no need here to go into that. However, it may be of help to the reader to have an easy accessible list of the most important agreements of the EU (such as treaties) and of the most important laws that have to do with irregular immigration. Both of these are thus available in Appendices 3 and 4.

Irregular Immigration: Definitions and Living Conditions

Since this dissertation studies (the Commission’s framing of) irregular immigration, as a kind of “background information” it is essential to discuss and define this concept. In a broad sense, irregular immigration refers to the occurrence of irregular immigrants. Irregular immigrants are thus defined: “Non-nationals are generally considered to be in an irregular situation (i) when they have not complied with the required formalities, or have not obtained the authorization required by law, for admission or stay or for their activity during such stay in a country; or (ii) when they cease to meet the
conditions to which their stay or activity is subject” (Ghosh 1998, 3-4). In other words, irregular immigrants are foreign persons that enter or reside in a state without the formal permission from that state’s authorities. Having said that, it should be stated that the pathways to (and from) an irregular status vary, and the term “irregular immigration” is therefore more mixed than it sometimes appears to be in political discourse. Khosravi categorizes the following types of irregularity:

**Table 4.1 Different Categories of Irregularity**

<table>
<thead>
<tr>
<th>Entry</th>
<th>Stay</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Illegal</td>
<td>Illegal</td>
</tr>
<tr>
<td>B</td>
<td>Illegal</td>
<td>Illegal</td>
</tr>
</tbody>
</table>
| C     | Legal  | Illegal | a) Visa overstayers  

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>b) Rejected asylum-seekers</td>
</tr>
<tr>
<td>D</td>
<td>Illegal</td>
<td>Legal</td>
</tr>
</tbody>
</table>

Source: Derived and translated from Khosravi (2006, 290).

Irregular immigrants are hence all those persons that at the moment fall into the table’s category of “illegal”. As can be seen, irregularity can be the result of human smuggling, human trafficking, overstayed visas and rejected asylum applications. Moreover, it shows that irregularity is not necessarily definite, but can and often does change rapidly, something confirmed also by other researchers (see e.g. Düvell 2006, 186). A person who entered the state illegally can become a legal immigrant if for various reasons s/he is regularized, and a person who entered the state legally can become an irregular immigrant, for instance, if s/he overstays her/his visa. Since the EU member states do not have common migration laws, there exists no exact definition of who falls into the category of irregular immigrant, but this falls within the remit of each member state individually to decide. There exist in the EU only a general definition of irregular immigration, where “illegal stay” is defined as “the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of

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62 I here quote Ghosh’s definition of irregular migration from the perspective of the country of destination. Ghosh, however, also mentions that irregular migration can be seen from the perspective of the country of origin, if that country had restrictions on who was allowed to leave the country, i.e. emigration (Ghosh, 1998: 2). Nevertheless, since my dissertation deals with irregular immigration (as opposed to emigration), I only refer to Ghosh’s definition of irregular migration from the perspective of the country of destination.
entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State”.

Due to irregular immigration being irregular, it is obviously impossible to offer reliable figures on the number of irregular immigrants residing in the EU. This fact, coupled with the suggestion that the political weight given to the issue of irregular immigration seems to exceed its numerical weight (Koser 2009, 9), which makes numbers irrelevant, might lead one to steer free of offering any numbers at all. However, since the below described living conditions in large part can be attributed to the social construction of irregular immigrants, as well as individual states’ and the EU’s policies towards irregular immigration, I still find it valuable to provide the reader with an idea of the amount of people that face the consequences of these policies. Recent estimates of irregular immigrants in the EU’s 27 member states, which vary as regards sophistication in calculation methods, include 4.5 million (Council of Europe 2007, 8), and between 1.9 million to 3.8 million persons (Vogel 2009, 4).

The term “irregular immigration” is a contested concept insofar as concerns some of the connotations it might give rise to, and there exist several synonyms to describe the same phenomenon: illegal immigration, undocumented immigration, unauthorized immigration and clandestine immigration to mention the most widespread. The term most employed in political discourse is arguably “illegal immigration”, which is also commonly used in national political discourse. However, since the term “illegal” is so linguistically connected to criminality, and the infliction of harm to another person, it may add to a criminalized view of the phenomenon. Therefore, several scholars and immigrants’ rights advocates alike advise against its use (see e.g. Bigo, Guild & Carrera 2009, 11; Geddie & LeVoy 2009, 8; MRCI 2007, 7). Using instead the wording “irregular” immigration, is seen as more neutral, though it admittedly still incorporates the meaning of disobeying administrative laws of a state. Nevertheless, it does not to the same extent as “illegal” immigration encompass the sense of breaking ethical and moral norms or the general sense of justice (Khosravi 2008, 81). Scholars using the term “irregular” include, for instance, Balzacq & Carrera (2006, 13), Carens (2008), Cholewinski (2000), Ghosh (1998), Khosravi (2006; 2008) and Koser (2009). Another synonym used frequently in academic research is “undocumented” immigration (see e.g. De Genova 2002, 420; Van Munster, 2005, 221). The term undocumented, however, originally refers to the lack of identity documents (the French Sans Papiers), but this absence of proper identification does not necessarily mean that an immigrant has the status of “illegality” (Khosravi 2008, 82). S/he can, for instance, still

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be an asylum-seeker. Therefore the term is problematic, and will not be used in this dissertation. A near synonym is “unauthorized” immigration, which is often specified as the narrower group of irregular immigrants that cross the borders unlawfully (Carling 2007a). As this excludes category C of table 4.1 the term is ill-fitted for this study. One problem with all of the above (“illegal”, “irregular”, “undocumented” and “unauthorized”) is that they are from the perspective of the receiving state and hence fail to portray the living conditions of persons with irregular status. Rovelli argues that a more suitable term is the Italian word “clandestini”, which better captures the hidden form of life that irregular immigrants face in practice (Rovelli 2009, referred to in Zetterström 2010, 8). That may function in Italian, but the English counterpart “clandestine” is nevertheless problematic. Andreas uses the term clandestine in his category of “clandestine transnational actors”, which groups together irregular immigrants with actors as diverse as drug traffickers, migrant smugglers and terrorists (Andreas 2003, 78). Used in such a way, “clandestine” immigration risks adding to a perceived “security continuum” (Bigo 1994, 164) between all the enumerated clandestine activities, and is therefore not used. Moreover, as this dissertation deals with the Commission’s and thus the EU’s approach to irregular immigration, it may for this purpose not be as problematical to use a concept (irregular immigration) that takes the perspective of the receiving state as it might have been for other purposes. In light of this I find the term “irregular” being the least problematic wording, but in line with Rovelli’s argument I also find it important to portray the situation of irregular immigrants. Not least since it is fair to assume that policies on irregular immigration and the social construction of irregular immigrants work to produce and reproduce some of the more hostile living conditions that face them. After all, “illegal immigration” is not only produced (as a social construction in various societies) but is as a consequence also lived as specific life experiences by human beings (Chavez 2007; Willen 2007b).

One word that captures the everyday life experiences of irregular immigrants inside the receiving country is deportability (De Genova 2002). It is originally used to describe irregular immigrants’ experiences in the American context but is equally suited for the European. Even though most irregular immigrants will not actually be deported (since states lack the resources for that), the fact that some will, results in a life under the constant risk of deportation; “deportability”. Deportability should, according to De Genova, be understood as a disciplinary technique that turns irregular immigrants into a highly disposable and submissive commodity, most notably in the work force. The sense of deportability consequently leads to a vulnerable situation (De Genova 2002, 438-439). As Willen notes, the marginalized position of irregular immigrants leave them in “spaces that are structurally as well as geographically, socially, and politically peripheral” (Willen 2007a, 2). A further way to characterize this situation of being in a country, but
outside its regular society, is as a shadow existence (MRCI 2007). It should be stated that as laws and policies differ between countries, the situation for irregular immigrants also differs from country to country, but through various, mainly ethnographical studies in different regions, I would argue that there as a rule are two general prominent features of living under deportability and in the shadow existence: the lack of regular everyday life and the lack of basic protection. As regards the first mentioned, to avoid being discovered by authorities or others that might turn them in, irregular immigrants commonly lead very restricted lives: Khosravi mentions e.g. the habit of avoiding places with many people such as shopping malls, avoiding use of the subway other than to and from work, avoiding to go out at night other than to work, limiting social relations and avoiding to object to their often very low salaries (Khosravi 2006, 294-296). As regards the lack of basic protection, this is manifested through the fact that irregular immigrants with health concerns often avoid seeing a doctor out of fear of being discovered, unless there is some major accident or emergency (MRCI 2007, 52). Another example is that the oftentimes exploitative working conditions regularly go unpunished, since irregular immigrants fearing deportation do not dare to object to them. Moreover, as this is something the employer is aware of, the exploitation can continue (Khosravi 2006, 296-300; LeVoy, Verbruggen & Wets 2003). Jordan & Düvell argue that two significant elements make the life of irregular immigrants comparatively tough are firstly that they have to avoid the eyes of the authorities and secondly that they do not have access to services meant to support the most vulnerable of the population (Jordan & Düvell 2002, 112, referred to in MRCI 2007, 45). These accounts all describe the situation for irregular immigrants already inside the borders of the receiving country, but the policies on irregular immigration also has consequences for potential immigrants before crossing the borders. Several scholars have underlined that restrictive and repressive border policies do not stop or even seem to reduce irregular immigration. Instead they lead to a rise in the business of human smuggling, to redirected migration routes (Carling 2007b; Pastore, Monzini & Sciortino 2006, 114-115; van Liempt & Doornernik 2006) and to an increase of the stakes and risks of irregular immigrants when taking more perilous roads across the borders (Monzini 2007).

This chapter has shown the formal organization of the EU and discussed the definition of irregular immigration as well as portrayed the living conditions of irregular immigrants. With those things in mind, the next chapter delves into how the Commission has actually framed the issue over the last decades.
5. The Commission’s Diagnostic Framing of Irregular Immigration

Introduction

This chapter analyses the Commission’s diagnostic framing of irregular immigration, i.e. what the Commission has defined it to be all about since it first started to talk about the issue. I first present how many documents that bring up irregular immigration the Commission has produced in each decade so as to identify when the issue has been of greater or smaller importance. Then I examine what term that the Commission has used for the issue. Next comes an analysis of how the Commission has diagnostically framed irregular immigration over four time periods. After that follows an in-depth analysis of each diagnostic frame, including what detailed definitions they cover and what larger discourses the frames are part of. Lastly I discuss the findings and what frame that has been the most prominent.

In terms of how important irregular immigration has been for the Commission, it is very obvious that it is an issue which was of secondary importance during the 1970s, 1980s and 1990s, before moving to front-row attention in the 2000s. One concrete way to illustrate this is to display the analysed number of documents discussing in one way or the other irregular immigration (but being mentioned at least twice, see chapter on method). As seen in the table below, documents referring to the issue were very few in the 1970s, 1980s, and 1990s, whereas the number of documents virtually exploded in the 2000s. In several documents from the latter period, the issue is also explicitly claimed to be one of the main priorities of the EU (see e.g. COM(2002)703, p. 4).
Table 5.1 Number of Analyzed Commission Documents discussing Irregular Immigration

<table>
<thead>
<tr>
<th>Decade</th>
<th>Number of documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970s</td>
<td>3</td>
</tr>
<tr>
<td>1980s</td>
<td>1</td>
</tr>
<tr>
<td>1990s</td>
<td>5</td>
</tr>
<tr>
<td>2000s (through 2009)</td>
<td>47</td>
</tr>
</tbody>
</table>

Source: Author’s own data

Favoring “Illegal” over “Irregular”, “Clandestine” and “Undocumented”: Concepts Applied by the Commission over the Years

This section addresses which concept the Commission has chosen to use for the issue. In the analysed documents I have looked for four alternative concepts; “illegal”, “irregular”, “clandestine” and “undocumented”, all of which express the same issue, but bear with them different connotations, as already mentioned in chapter 2. Whereas the term “illegal” is connected to criminality and the infliction of harm to another person and thus adds to a criminalized view of the issue, the other terms can be seen as posing an alternative view of the issue or at least being less offensive, and their use are therefore encouraged by several NGOs and scholars.

There can be no doubt that the concept most applied by the Commission is “illegal” immigration. As can be seen in the chart below, out of the 56 documents analyzed, the term illegal immigration is applied to a major extent in 52 documents, and to a minor extent in 4. The term is hence not only used in all of the documents, but in most of them it is used extensively. It appears to be the normal way to name the issue. All the other concepts are used more to a minor extent than a major. The second most common concept is “irregular” immigration, which is employed to a minor extent in 24 documents and to a major extent in 8. “Clandestine” immigration is used to a major extent in only one document, and to a minor extent in 12, and finally “undocumented” immigration is used 10 times to a minor extent and never to a major extent.

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64 As seen in appendix 1, to be coded as being used to a major extent in a specific document, the term has to be used at least four times in it.
The conclusion is consequently that the preferred term in the Commission is clearly illegal immigration. It is by far the term most often used. (It should also be mentioned that the picture does not change even if one puts together irregular, undocumented and clandestine in the same group, as a single alternative to illegal. As a group, they are still only used to a major extent in 13 documents, which is, of course, significantly lower than 52 documents.) Moreover, the Commission uses the term illegal immigration extensively throughout the period, which shows its predominance across time. One might therefore wonder why this is the case. In a document from 2002, the Commission provides its own explanation: “The term ‘illegal resident’ is used following the legal terminology of Article 63 (3) b) of the Treaty of the European Community. This term must not be perceived as qualifying the persons as being illegal, but as qualifying their status of not being in compliance with the law on entry and/or residence” (COM(2002)564, p. 7). This is an interesting passage. On the one hand, the Commission clearly states that it does not perceive of persons per se as being illegal, but at the same time it uses exactly that word though the less controversial synonyms could have been applied just as well. It tries to explain this by referring to the wording of the Treaty. However, the document analysis shows that long before the issue was ever mentioned in the Treaty, the Commission still preferred to use the term illegal immigration. Moreover, as the Commission to some extent does use the synonyms, is must be considered quite apparent that these competing concepts could have been used more extensively. The Treaty-explanation provided by the Commission in 2002 is therefore rather weak and cannot be seen as the main reason for why the term “illegal” immigration is used. Instead, the term to me seems to be used mainly out of habit. It has simply become the normal terminology in the Commission field.
light, the Treaty-explanation can be seen as showing that the Commission has now become aware of the recent criticism of the term illegal immigration, and only after this criticism has begun to think actively about the alternatives as well as a justification for using the term illegal.

Among the other three concepts, there on the contrary seems to have been some shifts over time. Whereas the term “clandestine” was rather commonplace in the 70s and 90s, its use has relatively speaking become less frequent in the 2000s. As for the word “irregular”, this was not used until the 90s, and its use has increased in the 2000s. Following a resembling path is the term “undocumented”, which could not be found before the 2000s, but has then been used during the whole decade. Though the empirical material does not reveal the reasons for these trend shifts, it is probably fair to assume that the use of the two latter terms, irregular and undocumented, stems from a certain influence of NGOs’ and researchers’ criticism, as these terms are arguably the ones most often pushed for by advocates of change of terminology (see e.g. Bigo, Guild & Carrera 2009, 11). However, although NGOs and researchers have probably made a small imprint, the trend shifts among the alternatives to illegal immigration does not significantly change the overall picture of what terms that are used by the Commission. Since one can view the alternative terms as one group that has existed to a minor extent throughout the period 1974-2009, the internal shifts among themselves (from clandestine to mostly irregular and to some extent undocumented) does not challenge the predominant use of the term illegal immigration. They are in this sense only changes on the surface, while the expression illegal immigration, which is most associated with a criminalized view of migrants, is still the one that is by far the most used during the whole period.

How Irregular Immigration is portrayed: Diagnostic Frames 1974-2009

The rest of the chapter deals with how irregular immigration has been diagnostically framed, by the Commission between 1974 and 2009. It starts off by describing the chronological development by accounting for four different time periods: a) 70s-80s, b) 90s, c) 00-04, d) 05-09. It then moves to analyse each of the discovered frames in more detail. Lastly it sums up and discusses the findings.

In the following, the frame level is in focus, but also the more detailed descriptions are provided to give examples of how the frame is manifested. In addition, the discourse level is mentioned so as to provide the reader with a sense of the general direction of the Commission framing of irregular immigration.
The empirical material for the period 1970s-1980s consists of four documents. The first document dealing with irregular immigration written by the Commission was a communication on an “Action Programme in favour of migrant workers and their families” in 1974, which mainly concerned legal immigration, but also included a section on irregular immigration.

Only one diagnostic frame is found in all of the documents from this time period, and that is the Irregular Immigrants as Victims frame. The second most common frame is the Irregular Immigration as a Socio-Economic Threat frame, which is found in all but one document. What these two frames have in common during this time period is that both are discussed in the context of the labor market, and concern irregular immigrants as workers active in illegal employment. As workers in the labor market they are seen both as being in a vulnerable situation as victims of exploitation due to the constant threat of deportation (see e.g. COM(74)2250, p. 21), and the indirect cause of negative effects for the national workforces (see e.g. COM(85)48, p. 10). The notion of irregular immigration as being about illegal employment runs through all these early documents. Though none of the two diagnostic frames is discussed at length in the documents, I would say that the Victims frame is more clearly described than the view of irregular immigration as a socio-economic threat, since the latter does not clearly spell out what kind of negative effects irregular immigration is supposed to have on the national workforce. Often, the Commission’s take in the documents is more about migrants’ problems than problems of migration. Apart from these two definitions, one more frame appears already in the 1970s, and that is the Threat to the Overall Migration Policy frame. This is found in two of the four documents and argues that irregular immigrants’ presence on EU territory will somehow render it more difficult to improve the situation for legal immigrants (see e.g. COM(74)2250, p. 21). It is, however, not clearly
elaborated exactly how this is the case. These are the main frames found during these years, and one of them (the Socio-Economic Threat frame) is categorised as being part of a discourse that considers irregular immigration as chiefly a Threat to the EU, one (the Victims frame) is categorised as being part of a discourse that considers irregular immigration as mainly a Threat to the immigrants themselves and one (the Threat to the Overall Migration Policy frame) as a mix of both. In addition, one of the early documents includes a diagnostic frame that is very rare in the whole empirical material and that is the one that perceives of irregular immigration as being a health risk to themselves and others, which is said to be the result of irregular immigrants not being available for medical care in practice (see COM(74)2250, p. 21).

1990s, an “In-between” Period: Slowly introducing new Definitions

<table>
<thead>
<tr>
<th>Frame frequency rank in document</th>
<th>Diagnostic frame</th>
<th>Discourse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (60%)</td>
<td>Irregular Immigrants as Victims</td>
<td>Threat to Immigrants</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Socio-Economic Threat</td>
<td>Threat to the EU</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Threat to the EU Migration Policy</td>
<td>Threat to the EU</td>
</tr>
<tr>
<td>4 (20%)</td>
<td>Securitarian threat</td>
<td>Threat to the EU (and to some extent Threat to Immigrants)</td>
</tr>
<tr>
<td>4 (20%)</td>
<td>Normalising frame</td>
<td>Non-threatening</td>
</tr>
</tbody>
</table>

Source: Author’s own data

Having analysed all the documents from the decade, in all five documents, it becomes clear that just as in the previous period, the diagnostic frame most often recurring in the documents from the 1990s is the Irregular Immigrants as Victims frame. Moreover, the Irregular Immigration as a Socio-Economic Threat frame is present, as is the Threat to the Overall Migration Policy frame. All three are, however, mentioned to a lesser extent than was the case in the former period. Moreover, two new frames, going in different directions, are now appearing for the first time. One is the Securitarian Threat frame, which in this time period comes in a very distinct form, namely with
the view that irregular immigration is linked to international organized crime for the purpose of trafficking in women for sexual exploitation (COM(96)567, p. 3). It does not claim that irregular immigrants are the ones running organized crime, but implies that there is a link between irregular immigration, trafficking in women and organized crime; with the former, you have the latter. The other new frame is the Normalising frame, which diminishes the discrepancy between EU citizens and irregular immigrants by either normalising irregular immigration or showing understanding for irregular migrants by implying that they only behave rationally. The two new frames are part of two opposing discourses. One (the Securitarian frame) sees irregular immigration as mainly a threat to the EU, though to some extent also to immigrants as these may become victims of organised crime, whereas the other one (the Normalising frame) sees it as non-threatening. Similar to the documents from the previous period, the descriptions of irregular immigration are quite short and vague, in so far as that they usually do not describe the problems or non-problems they see at any length. In all, it is probably fair to call the 1990s an “in-between” period if one takes together the following aspects that characterise the period: there is no longer a dominant perspective as there were in the former period (the labor market perspective), all of the frames are mentioned to a lesser extent, and there are still only a few documents produced that are referring to irregular immigration in contrast to the subsequent two periods.

2000-2004, the Big Boom in Definitions: Going in all Directions

**Table 5.4 Diagnostic Frames, 2000-2004 (12 documents)**

<table>
<thead>
<tr>
<th>Frame frequency rank in documents</th>
<th>Diagnostic frame</th>
<th>Discourse</th>
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</thead>
<tbody>
<tr>
<td>1 (58%)</td>
<td>Irregular Immigrants as Victims</td>
<td>Threat to Immigrants</td>
</tr>
<tr>
<td>2 (42%)</td>
<td>Threat to the EU Migration Policy</td>
<td>Threat to the EU, Threat to Immigrants</td>
</tr>
<tr>
<td>3 (33%)</td>
<td>Socio-Economic Threat</td>
<td>Threat to the EU</td>
</tr>
<tr>
<td>3 (33%)</td>
<td>Securitarian threat</td>
<td>Threat to the EU (and to some extent Threat to Immigrants)</td>
</tr>
<tr>
<td>5 (17%)</td>
<td>Normalising frame</td>
<td>Non-threatening</td>
</tr>
<tr>
<td>5 (17%)</td>
<td>Irregular Immigrants as Economic Benefit</td>
<td>Non-threatening</td>
</tr>
</tbody>
</table>

Source: Author’s own data
These years mark a breaking-point. Prior to them, the Commission produced rather few documents that touched upon the issue of irregular immigration. During and after those years, it has, on the contrary, produced a very significant amount. For the period 2000-2004, there are 12 documents analyzed. What can be said in general about this time period is that some kind of description of irregular immigration is found in almost all documents (though in a few, there are no descriptions, only policy instruments), and often the descriptions are quite varied and going in different directions. From irregular immigration being about victims to it being a security threat to the EU. All of them tend to reappear quite often in the time period’s documents. Akin to the previous time periods, during 2000-2004 the Irregular Immigrants as Victims is the most recurring diagnostic frame, and appears in 58% of the documents. The second most recurring diagnostic frame is the Threat to the EU Migration Policy frame, which is found in 42% of the documents. In third place there has been a shift compared to the 1990s. While the Socio-Economic Threat frame is at number three and is observed in 33% of the documents, it shares this position with the Securitarian Threat frame, which has now grown significantly, and is often about organized crime. Appearing in 17% of the documents is in addition the Normalizing frame. A new frame, which first appears during this time period is moreover the Irregular Immigrants as an Economic Benefit, which states that irregular immigrants actually contribute to the economy (see e.g. COM(2000)757, p. 27). This frame is part of a discourse that sees irregular immigration as Non-threatening. Another new element that is found in this period is that the Commission starts to discuss irregular immigration (and immigration at large) from the perspective of third countries. It is often argued that legal immigration to the EU can help developing countries in the form of remittances, but that a brain drain from these countries must be avoided. A so-called comprehensive, or Global, approach comes up on the agenda to a large extent.65 In this, the Commission wants to incorporate the issue of immigration in the EU’s external policies, e.g. development policies, so as to address various angles of immigration not only on EU territory, but also externally (see e.g. COM(2002)703, p. 4-5).

Though it is accurate that the documents from 2000-2004 do contain many portrayals, they are as a rule nevertheless even now rather short and vague. Still, the period can be characterized as a boom era, since this is the first period to involve all the different frames (belonging to different discourses) found in the empirical material, as well as because it marks the beginning of the Commission’s great interest for the issue of irregular immigration.

65 Though mentioned for the first time already in 1974 (in COM(1974)2250, p. 12), it is not really emphasized, developed and put in the spotlight until the 2000s.
2005-2009, More Documents, Fewer Explanatory Definitions: Diagnostic Framing becoming Redundant?

Table 5.5 Diagnostic Frames, 2005-2009 (35 documents)

<table>
<thead>
<tr>
<th>Frame rank in documents</th>
<th>Diagnostic frame</th>
<th>Discourse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (46%)</td>
<td>Irregular Immigrants as Victims</td>
<td>Threat to Immigrants</td>
</tr>
<tr>
<td>2 (26%)</td>
<td>Socio-Economic Threat</td>
<td>Threat to the EU</td>
</tr>
<tr>
<td>3 (23%)</td>
<td>Securitarian Threat</td>
<td>Threat to the EU (and to some extent Threat to Immigrants)</td>
</tr>
<tr>
<td>4 (17%)</td>
<td>Threat to the EU Migration Policy</td>
<td>- Threat to the EU</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Threat to Immigrants</td>
</tr>
<tr>
<td>5 (11%)</td>
<td>Normalising frame</td>
<td>Non-threatening</td>
</tr>
<tr>
<td>6 (3%)</td>
<td>Irregular Immigrants as Economic Benefit</td>
<td>Non-threatening</td>
</tr>
</tbody>
</table>

Source: Author’s own data

Notable is that this time period has the most documents referring to irregular immigration, with no less than 35 documents. While the number of documents is quite plentiful, actual descriptions of irregular immigration are relatively speaking fewer than in the previous time periods. This may indicate that the issue is now so deeply rooted on the agenda that definitions are increasingly seen as being redundant and taken for granted. Instead of descriptions of irregular immigration, the documents tend to focus more on how to handle the issue in with actual policy solutions, i.e. hands-on instruments and general strategies, which are further discussed and analyzed in the next chapter.

Among the diagnostic frames that are indeed put forth, and these are the same frames as for the last time period, the internal order has shifted again. While the Irregular Immigrants as Victims frame is still the most frequently used (46%), the second most referred to is now the Socio-Economic Threat frame, which appears in 26% of the documents. The third most commonly diagnostic frame is the Securitarian Threat frame (23%). Often it is about organized crime or some other kind of link between irregular immigration and criminality. After that comes the Threat to the EU Migration Policy frame (17%) and the Normalizing frame, which appears in 11% of the documents. In one document, which is equivalent to only 3%, the
Commission also describes irregular immigration in terms than can be seen as being part of the Irregular Immigrants as an Economic Benefit frame. As in the last time period, third country perspectives continue to be discussed in this time period. Moreover, in the documents where definitions are indeed found, it is rarely the case that only one frame is provided. Instead, formulations on irregular immigration often include more than one kind of diagnostic frame.

The Diagnostic Frames Analyzed in Detail

The Irregular Immigrants as Victims Frame: Marginalized, Exploited and Victims of Human Tragedies

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<tbody>
<tr>
<td>Frequency per cent (quantity)</td>
<td>100% (4/4)</td>
<td>60% (3/5)</td>
<td>58% (7/12)</td>
<td>46% (16/35)</td>
</tr>
</tbody>
</table>

Source: Author’s own data

As the chronological survey above shows, the most common diagnostic frame throughout the years is the Irregular Immigrants as Victims frame. While its occurrences in the empirical documents does diminish relatively speaking over time (from 100% during the 1970s/1980s, to 60% in the 1990s, to 58% in the period 2000-2004, and to 46% in 2005-2009), it is still the most prominent frame used by the Commission and remains the most common frame all through. The larger discourse that this frame can be said to be part of is the one that considers irregular immigration as being a Threat to the Immigrants Themselves, not as a threat to the EU. It hence has as its focus the threatened well-being of the irregular immigrant.

In the Commission documents there are basically three broad types of descriptions that can be said to fall under the Irregular Immigrants as Victims frame, and these are the ones that describe irregular immigrants as being either victims of exploitation, marginalized in EU society or as being the victims of human tragedies on the journey to Europe (or a combination of these). Starting with the first, the empirical analysis shows that irregular immigrants are often represented as being victims of exploitation. In the early documents from the 1970s and 1980s, this view centers on exploitation in the workplace, while in the late 1990s the view of irregular immigrants as
being victims of human trafficking become more commonplace. In the
2000s, also the view of irregular immigrants as being victims of ruthless
smuggling recurs occasionally. Examples of quotes that describe the ex-
ploration in the workplace are, for instance: “(...) illegal migrant workers
who (...) are frequently the victims of unscrupulous individuals (...)”
(COM(78)86, p. 4); and “Undeclared work, while difficult to measure,
seems to be on the increase in many Member States. It tends to act as a pull
factor for illegal migration and it can lead to exploitation and insecurity for
the migrants involved, while undermining the financing and delivery of pub-
lic services and social protection” (COM(2003)323, p. 10). Interesting to
note in the last example is that while irregular immigrants are portrayed as
victims of exploitation, they are at the same time also seen as a socio-
economic threat to the EU in the form of deteriorated public services, which
is further discussed under the next heading. Another example of when the
Commission has portrayed irregular immigrants as being victims of abuse
in the labor market is the following: “The fight against illegal migration starts
with preventive measures and the suppression of its main incentives. Une-
dclared work in several countries or regions is a significant pull factor for
illegal migration. Tackling the unregulated labour market is therefore a
common objective which touches not only the area of immigration but also
employment. Those who work in the hidden economy are often subject to
exploitation, and denied the rights of other workers” (COM(2004)412, p.
18). One last example that portrays irregular immigrants as easy targets for
exploitation in the workplace is: “On the other hand, illegally employed
third-country nationals are in an additionally vulnerable position because if
apprehended they are likely to be returned to their country of origin”

As for irregular immigrants being victims of trafficking, typical
examples are, for instance: “Trafficking in women for the purpose of sexual
exploitation is an increasing type of international organised crime generating
high profits with relatively low forms of risk for traffickers” (COM(96)567,
p. 3); “In cases where illegal immigrants are not able to pay the price [for the
journey to Europe], they often become victims of traffickers, who employ
exploitative means to gain ‘reimbursement’ for the cost of the journey”
(COM(2001)672, p. 7); “Irregular migrants must be offered a humane and
dignified treatment particularly as they are often victims of traffickers’ net-
works and exploited by employers” (COM(2006)402, p. 3). And a last one:
“Illegal immigrants are also susceptible to human trafficking, for the purpose

\footnote{As described in chapter 4, there is in theory a difference between trafficking in human
beings and smuggling of human beings. While both indicate that a person has crossed EU
borders unauthorized, the former implies a slave like relation to the smuggler, whereas the
latter does not (Khosravi, 2006: 290). In the Commission documents, this distinction is how-
ever sometimes blurred.}
of sexual or labour exploitation, domestic servitude, begging, or forced marriage. Human trafficking is a serious crime against persons. Moreover, high profits from labour and sexual exploitation are often subject to money laundering and may enable traffickers to engage in other criminal activities which could lead to the achievement of economic, social or even political power” (SEC(2008)2026, p. 25-26). In many cases when human trafficking is mentioned, human smuggling is also brought up as a threat to irregular immigrants. Two such examples are: “This Directive is a response to a problem that is causing mounting concern: the increase in illegal immigration, particularly in its two most odious forms, namely the growth of networks of smugglers acting for non-humanitarian reasons and the exploitation of foreign nationals in the form of trafficking in human beings” (COM(2002)71, p. 2). Another is “Migrant smuggling and human trafficking are linked by the fact that they are frequently organized by internationally operating criminal networks and part of organized crime, phenomena linked with the demand for cheap and illegal services” (COM(2005)514, p. 6). In these quotes, irregular immigrants are thus viewed as victims of exploitation by ruthless traffickers and smugglers. At the same time, however, they indirectly become linked to a business that is explicitly or implicitly seen as being detrimental to Europe, namely organized crime, which is further discussed under the heading of “Securitarian Threat”.

A further portrayal of irregular immigrants as victims is the one that expresses worry over the human tragedies that may arise on the journey to Europe. This way to portray irregular immigration is most common in the 2000s. One example is:

*Tragic incidents, such as the one in Dover in July 2000 in which 58 Chinese nationals trying to enter illegally into the United Kingdom lost their lives, which are taking place in almost all Member States, point not only to the importance of the fight against the trafficking of human beings, but also to the existence of a demand for clandestine manpower and of the exploitation of such undocumented migrants (COM(2000)757, p. 6).*

In the quote above, the Commission clearly states that it finds the loss of irregular immigrants’ lives a tragedy. Three other examples of this are:

*The pressure of illegal migration on the Member States of the European Union situated in the Mediterranean and Atlantic region in the last two years has reached an unprecedented high, requiring immediate and decisive action at both national and European levels, in order to safeguard the Schengen system and prevent further tragedy among illegal migrants who die in large numbers in attempting to reach the shores of the European Union (COM(2006)733, p. 3, bold in original).*
Besides these security issues, illegal immigration is often associated with humanitarian tragedies, linked to the conditions of entry into the EU territory, with the help of criminal networks. It is worth noting that a great number of detected illegal immigration by sea takes place through the use of small craft or dinghies which are not seaworthy and are therefore seriously jeopardizing the lives of their occupants” (SEC(2008)2026, p. 24).

Many illegal immigrants and persons in need of international protection are travelling in conditions of extreme hardship and are taking great personal risks in their attempts to enter the EU illegally by hiding in vehicles, on cargo vessels, etc. The recent practice of travelling on board of unseaworthy and overcrowded boats, has multiplied the number of unfortunate migrants who continue to lose their lives by drowning in the Atlantic Ocean between Africa and the Canary Islands and in the Mediterranean Sea. The tragic death toll resulting from this kind of illegal immigration is unacceptable and must therefore be significantly reduced (COM(2008)68, p. 4).

Apart from the fact that the quotes depict irregular immigrants as victims of a perilous journey, it is also worthy of note who the Commission indicates as being the perpetrator. It seems as though a common practice is to view the tragedies as either caused by ruthless individuals, often criminal traffickers, or simply by not talking about any responsible actors or alike at all. What is largely left out is hence a discussion of the responsibility of the EU in causing these tragedies. In the material studied, I have not found any discussions of fortress Europe, for instance, or whether the increased border controls of the EU and its member states, which at large happen to coincide with the rise of the view of irregular immigrants as victims on the journey to Europe, have played a role in fuelling harm in so far as making it virtually impossible to enter the EU entirely safely for a large group of people. Admittedly, the Commission sometimes does argue that there have been too few legal roads into Europe (see Normalizing frame below). Nevertheless, that argument is only applied when the Commission discusses why there is such a thing as irregular immigration. I have not found any use of that argument in relation to the dangers that might face the irregular immigrants on the journey to Europe, which is here at issue. Another thing to note is that while immigrants are described as victims they are also occasionally indirectly portrayed as being a problem; for instance, the “pressure of illegal migration” causing the EU to quickly “safeguard the Schengen system”. This way of reasoning is also found when the Commission describes irregular immigrants as being marginalized in society, another example of the Victim frame that appears above all in the 2000s: ”At the same time illegal immigrants are excluded from full participation in society, both as contributors and as beneficiaries, which contributes to their marginalization and fuels negative attitudes to them from local people” (COM(2003)336, p. 26). This formulation
seems to indicate that while the Commission does feel sorry for the affected irregular immigrants, the immigrants also to some extent have themselves to blame for not being liked by other groups in EU society. Another example of when irregular immigrants are described as being marginalized in society is this phrasing: “Illegal employment prevents workers from benefiting from social welfare and creates an uneven playing field for employers” (COM(2006)402, p. 8). What the Commission here says is that irregular immigrants are shut out from social welfare since they are working in the black labor market. However, the Commission in the same sentence also points out that this causes an uneven playing field for employers, which indirectly turns irregular immigrants into a socio-economic threat, something that is further discussed in the next section.

There is however far from always a criticism of irregular immigrants implied with the Victim frame. On the contrary, there sometimes seems to be a kind of underlying call for change underneath the utterance: “Illegal immigrants may find it particularly difficult to obtain the health care they need due to their precarious position” (COM(2007)780, p. 10). And: “It needs also to be noted that migrants without residency status (asylum seekers and undocumented migrants) have no or limited access to services that are essential to guarantee fundamental human rights (e.g. effective access to education for children of illegal migrants, access to health care)” (SEC(2008)2026, p. 24, parentheses in original). Here the Commission seems to call for more access to health care and education for irregular immigrants, as a way of remedying their marginalized situation.

The Socio-Economic Threat Frame: Distorting the Market and Undermining the Welfare Society

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<td>Frequency per cent (quantity)</td>
<td>75% (3/4)</td>
<td>40% (2/5)</td>
<td>33% (4/12)</td>
<td>26% (9/35)</td>
</tr>
</tbody>
</table>

Source: Author’s own data

67 However, in this latter quote, the full definition provided in the document does contain a lot of problematization of irregular immigration (see lengthy quote under the heading of “A note on the Diagnostic Frames’ Vagueness”). Still, it seems to me that the underlying message in the quote stated here does imply a call for change towards a more elaborated human rights perspective.
The second most common diagnostic frame in total, (appearing in 18 out of 56 documents) is the Irregular Immigration as a Socio-Economic Threat frame. Parted into time periods, its importance decreases relatively speaking over time (from 75% during the 1970s/1980s, to 40% in the 1990s, to 33% in the period 2000-2004, and to 26% in 2005-2009), though its rank largely does not. It is the second most common in the 1970s/1980s, it shares that second place in the 1990s, then moves to a shared third place in 2000-2004, and ends up again in the second place in 2005-2009. The larger discourse that the Socio-Economic Threat frame can be said to be part of is one that considers irregular immigration as being a Threat to the EU, and this by causing a growth of the parallel economy and at the same time undermining the welfare state.

The most widespread description that can be said to fall under the Socio-Economic Threat frame and that has very clearly crystallized itself in the empirical analysis of the Commission documents is the one that depicts irregular immigration as being about illegal employment. The illegal employment in turn is by the Commission often described as distorting the market by causing unfair competition between firms, and/or as causing high costs to the welfare society of the EU member states. One example of an early utterance that link irregular immigration to illegal employment is: “(…) the main aim of illegal immigration, that is, unlawful engagement in paid employment (…)” (COM(78)86, p. 2). With irregular immigration you cannot escape illegal employment seems here to be by the underlying rationale.

When the Commission discusses irregular immigration and argues that “(…) certain sectors where employers exploit low cost labour (low wages, no social security contributions, etc.), thus creating unfair competition” (SEC(91)1855, p. 12), this is also an example of how irregular immigration is seen as being at least indirectly an socio-economic threat since their presence creates unfair competition. Another example of how irregular immigration is seen as negatively affecting European markets is the following quote: “It is in the lower skilled sectors (e.g. agriculture and related industries, catering, cleaning) where the largest numbers of undocumented migrants tend to find employment, often receiving wages which undercut the local workforce and sometimes in conditions which may lead to exploitation and to social unrest” (COM(2000)757, p. 27). Here it is how irregular immigration undercuts the local workforce that is the socio-economic threat. When it comes to the undermining of the European welfare society, an example of how the Commission reasons is the following: “Undeclared work, while difficult to measure, seems to be on the increase in many Member States. It tends to act as a pull factor for illegal migration and it can lead to exploitation and insecurity for the migrants involved, while undermining the financing and delivery of public services and social protection” (COM(2003)323, p. 10). In the quote, the Commission equals the illegal employment of irregular immigrants to a decrease in the possibility of
providing public services. Furthermore, in many cases the Commission expresses both the view of irregular immigration as distorting the market and the view of it as undermining the welfare state side by side, as the following three examples show:

Moreover, illegal employment, in particular in small and medium-sized enterprises and in seasonal work, seriously undermines the credibility of legal migration channels and erodes Member States’ tax revenues. It can also lead to serious exploitation or even slavery-like conditions, which cannot be tolerated in the European Union. Such conditions are not limited to cases where organised crime is involved. Illegal employment prevents workers from benefiting from social welfare and creates an uneven playing field for employers (COM(2006)402, p. 8).

On the one hand, acting as a pull factor for illegal immigration, illegal employment, like undeclared work by EU citizens, leads to losses to public finances, can depress wages and working conditions, may distort competition between businesses and means that the undeclared workers will not benefit from health insurance and pension rights that depend on contributions (COM(2007)249, p. 2).

The prevalence of this phenomenon [i.e. irregular immigration], which does not take into account the reception capacities of the Member States, results in multiple and diverse social costs, including costs of assistance and health care (whilst varying across individual Member States) in the absence of legal livelihood; loss of tax revenue, social security systems, legal employment opportunities and unfair competition owing to illegal employment; and added costs of inspection and ultimately return procedures. Amnesties/regularisations, even when a work contract is required, do not ensure that the migrants who benefit are those which are most needed by labour markets added to which their long-lasting occupational inclusion is often problematic (SEC(2008)2026, p. 24-25).

As can be seen, all three examples openly argue that irregular immigration both undermines the European welfare state, and at the same time, harms the market by creating an uneven playing field among firms. That being said, it should also be stated that in the middle quote, from 2007, the Commission places illegal employment by irregular immigrants on an equal footing with illegal employment by EU citizens and both are seen as detrimental to the welfare state. Though a negative framing, in a sense irregular immigrants are here in a way “normalized”, since they to at least some extent are seen as no different from parts of the workforce that are made up of EU citizens. As concerns the third quote, which at some length reasons on how irregular immigration causes a variety of costs for the welfare state, not only through a loss of tax revenue but also through the costs of assistance and health care, this may come as some kind of surprise, since the Commission just a few lines above concludes that irregular immigrants “have no or limited access to
services that are essential to guarantee fundamental human rights (e.g. effective access to education for children of illegal migrants, access to health care)” (SEC(2008)2026, p. 24). Hence, in one and the same document, irregular immigrants are declared as both being deprived of the human right of health care and at the same time as causing high costs for e.g. health care, which may seem contradictory, but just as above, the different frames are often intermingled in the document texts.

One last example of when irregular immigration is seen as causing an uneven playing field is when the Commission discusses the issue and argues that “Illegal employment needs to be tackled as it creates situations of abuse and violation of fundamental rights and freedoms. It also undermines legal immigration and has negative implications with regard to cohesion and fair competition” (COM(2008)359, p. 3). While stressing that irregular immigration causes unfair competition, the Commission also mentions that it undermines legal immigration, which is a rather common frame and one to which it is now time to turn.

The Threat to EU Migration Policy Frame: Threatening Legal Migration and Integration

*Table 5.8 Presence of the Threat to the EU Migration Policy Frame in the Documents*

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<td>40% (2/5)</td>
<td>42% (5/12)</td>
<td>17% (6/35)</td>
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Source: Author’s own data

The third most widespread diagnostic frame, (which turns up in a total of 15 out of 56 documents) is the frame that considers irregular immigration as a Threat to the EU Migration Policy. Just like the two above-mentioned frames, its appearance in the documents tends to relatively decrease somewhat over time (from 50% during the 1970s/1980s, to 40% in the 1990s, to 42% in the period 2000-2004, and to 17% in 2005-2009). Its popularity rank among the frames however shows little oscillation, and starts by being the third most important, then moves to being the second most important in two time periods, only to end up at number four in the last period. All in all, one should probably consider it a medium important diagnostic frame.

The Threat to EU Migration Policy frame involves the reasoning that irregular immigration threatens the effect of other parts of the EU’s migration policy, not least concerning legal migration and integration. There
are different but related tracks within this frame, but whereas one is part of a discourse that considers irregular immigration as a Threat to the EU, another can be seen as rather being part of a discourse that sees irregular immigration as mainly a Threat to Immigrants Themselves (though not primarily to irregular immigrants, but to immigrants at large, i.e. including legal migrants). Starting with the discourse that considers irregular immigration a Threat to Immigrants Themselves, this includes formulations where the Commission claims that irregular immigration brings with it public resentment and xenophobia not only against irregular migrants but also towards legal migrants and refugees. Examples of this are the following two quotes from different decades: “Public criticism primarily directed at illegal residents is also prejudicial to legal immigrants because of the inability to control migration flows” (SEC(1991)1855), p. 14) and “Effective action against illegal immigration plays an essential part in contributing to public acceptance of admission for humanitarian grounds by preventing misuse of the asylum system” (COM(2001)672, p. 8). Hence, the Commission blames irregular immigration for the public’s alleged negative feelings about legal migration. With the former, you will get the latter the argument goes, and if only the EU was able to fight irregular immigration, then the public would be much more sympathetic towards legal migrants and refugees.

A very related line of reasoning appears in the following citations, though the Commission’s focus is here not only on the effects of irregular immigration on legal migrants but also the effects on the EU’s selected policy choice: ”If illegal immigration is allowed to go unchecked, there is a serious risk of failure in the efforts to improve the social situation of the rest of the immigrant population” (COM(74)2250, p. 21), “Illegal forms of migration undermine the effect of admission policies, are detrimental to policies aimed at the integration of legal immigrants and put the people concerned in a vulnerable position” (COM(94)23, p. 27), “A credible policy on forced return helps to ensure public acceptance for more openness towards persons who are in real need of protection, and for new legal immigrants against the background of more open admission policies, particularly for labour-driven migration” (COM(2002)564, p. 8) and “The credibility of a positive and open common approach to immigration will also very much depend on the ability of the European Union to control illegal immigration” (COM(2004)401, p. 10). These citations show that the Commission portrays irregular immigration as rendering it more difficult to improve the social situation of legal migrants and introducing a more open migration policy, which not only can be considered as being part of a discourse that sees irregular immigration as a Threat to Immigrants, but also one that sees it as a Threat to the EU, in so far as it is understood as challenging the EU’s desired policy road. This since irregular immigration is said to harm the integration policy, damage the likelihood of introducing what the Commission calls an open migration policy and by decreasing the acceptance for and credibility
of the legal migration policy. Moreover, as the following quote shows, the causal link is sometimes argued by the Commission to be the public. If there is irregular immigration, the public will not support the policy towards legal immigration as the argument goes: “The prevention and reduction of illegal immigration in all its dimensions is critical for the credibility and public acceptance of the policies on legal immigration” (COM(2008)359, p. 11).

In a lengthy quote, the Commission also argues that irregular immigration must be met with effective countermeasures as it threatens both the integrity of the EU policy and the rule of law:

Illegal entry, transit and stay of third country nationals who are not in need of international protection, without effective countermeasures, undermines the credibility of the common European and the Member States’ immigration policy. A coherent and credible asylum and migration policy shall not award those behaviours that constitute an infringement of rules laid down with regard to refugee protection and legal residence. Thus the integrity of such policy as well as the rule of law can only be ensured if they are accompanied with effective countermeasures against those infringements, including the ones that are facilitating administrative cooperation of migration management services of the Member States in the context of fighting against illegal immigration (SEC(2006)964, p. 9).

This quote can, due to it seeing irregular immigration as a threat to the integrity of the EU policy, be argued to also pose a threat to the self-determination of the EU and thus clearly be categorized as being part of a discourse that sees irregular immigration as a Threat to the EU.68

Just as with the previous frames, the descriptions of irregular immigration that fall under the Threat to EU Migration Policy frame are often unclear and brief, and mixed with the other frames.

68 As regards the discourse on irregular immigration as being a threat to immigrants themselves it might be considered quite remarkable that the link made by the Commission between irregular and legal immigration is one where irregular immigration is seen as causing such a lot of hardship to legal migrants: xenophobia, public resentment, flawed integration, as well as a decreased probability of more open legal channels to the EU, leading the Commission to argue in favor of a strong policy on forced return and other countermeasures. However, the Commission’s causal links are not always apparent, though in one instance the public was said to be it. Nevertheless, just as for the aforementioned two frames, crystal clear definitions are under this diagnostic frame quite unusual. For instance, one might question the link made between irregular and legal immigration. There seems to me to be no evidence provided for irregular immigration causing all that hardship to legal migrants. Also, there is no inherent logic in how having harsh policies towards irregular immigration would ease problems faced by legal migrants. Why would the tone against legal migrants necessarily become friendlier just because there were more severe policies against irregulars? At least just as likely is that the relation is the reverse, i.e. that a friendly and neighborly attitude towards one group increases the likelihood of a friendly and neighborly attitude against the other.
The Securitarian Threat frame: Attracting Organized Crime and Criminal Networks

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<tr>
<td>Frequency per cent (quantity)</td>
<td>0%</td>
<td>20% (1/5)</td>
<td>33% (4/12)</td>
<td>23% (8/35)</td>
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Source: Author’s own data

The Securitarian Threat frame differs somewhat from the three aforementioned frames in that it tends to become more important over time. In total it is the fourth most common diagnostic frame, (that turns up in 13 out of 56 documents), but it has a somewhat upward-going trend as its use moves from 0% during the 1970s/1980s, to 20% in the 1990s, up to 33% in the period 2000-2004, and then to 23% in 2005-2009. It goes from being non-existent in the 1970s and 1980s and it first appears in the 1990s, then becoming more prominent in the 2000s, though never reaching higher than a third place rank. In the Commission documents analysed for this study, the most widespread descriptions tie irregular immigration to either organised crime, criminal networks or to a more loosely defined insecurity. The larger discourse that the frame can said to be part of is the one that considers irregular immigration as a Threat to the EU. However, alongside the portrayal of irregular immigration as being connected to organised crime, the Commission often simultaneously emphasizes that irregular immigrants are regularly victims of unscrupulous members of organized crime, as has already been described in the section “Irregular immigrants as Victims” above.

As regards the Commission descriptions that link irregular immigration to organized crime and criminal networks, these are a few examples: “(...) facilitation of illegal immigration involves, in most cases, organized criminal networks (...)” (COM(2001)672, p. 5); “Combating human smuggling is a complementary element of a policy combating illegal immigration as in many cases the illegal entry into a Member State would hardly be possible without the services of smugglers. Smuggling and trafficking are mainly controlled by criminal networks and dismantling them requires information” (COM(2003)323, p. 10), and “Migrant smuggling and human trafficking are linked by the fact that they are frequently organized by internationally operating criminal networks and part of organized crime phenomena linked with the demand for cheap and illegal services”(COM(2005)514, p. 6). Another one is “The term ‘illegal immigration’ is used to describe a variety of phenomena. This includes third-country nationals who enter the
territory of a Member State illegally by land, sea and air, including airport transit zones. This is often done by using false or forged documents, or with the help of organized criminal networks of smugglers and traffickers” (COM(2006)402, p. 2). In all of these quotes, organized crime and criminal networks are seen as the ones that mainly perform the smuggling into EU territory of irregular immigrants. This does not mean that irregular immigrants are seen as heading organized crime, but the line of reasoning is rather that with irregular immigration you will almost necessarily have a considerable presence of organized crime (since otherwise there would hardly be any unauthorized immigrants passing through EU borders). Hence an indirect link between irregular immigration and organized crime is established by the Commission.

Apart from the link made between irregular immigration and organized crime, which is a rather clear (if indirect) one, there are in the Commission documents also descriptions of irregular immigration that much more loosely links it to criminality and related forms of insecurity. One such example is the following: “The new draft Regulations – which will take into account the result of the discussions held on the 2003 proposals - will be strengthened on the ‘security side’ in order to prevent possible abuses of the local border traffic regime by illegal immigrants as well as by criminals” (SEC(2004)1349, p. 6). In the quote, a Commission proposal is said to become strengthened on the security side, which will involve the prevention of irregular immigrants “abusing” the border regime. Though said in no outright fashion by the Commission, I understand this quote as implying that irregular immigration across EU borders is a security issue. Another rather similarly vague description is this one: “Managing immigration effectively means addressing also different issues linked to the security of our societies and of immigrants’ themselves. This requires fighting illegal immigration and criminal activities related to it, striking the right balance between individual integrity and collective security concerns” (COM(2008)359, p. 3, bold in original). Here, the Commission argues that the fight against irregular immigration concerns collective security. It does not explicate exactly how this is the case, but does weigh it against the individual integrity of what I presume to be the irregular immigrant. This way it also portrays the collective security of the EU and the integrity of the irregular immigrant as being a zero-sum game, where you can’t fully have both. A much more explicit formulation where the Commission sees a relationship between irregular immigration and various insecurities is: “From a security perspective, illegal immigration may be linked with terrorism, trafficking in human beings, drug smuggling, smuggling of weapons, exploitation, slavery-like working conditions and other serious crimes which therefore pose a major threat to European societies” (SEC(2008)2026, p. 24). Here, the Commission argues that irregular immigration is associated not only with criminal acts like human trafficking and exploitation as have already been noted in earlier quotes, but
also drug and weapons smuggling and even terrorism. This quote constitute the most plainly security oriented example of the Securitarian Threat frame in the documents. It should, however, be stated that it is quite rare that such explicitly negative security formulations are found in the empirical material.

The Normalizing Frame: Irregular Immigrants as no Different from anyone else

| Table 5.10 Presence of the Normalizing Frame in the Documents |
|------------------|-----------------|-----------------|-----------------|-----------------|
| Frequency per cent (quantity) | 0% (0/5)       | 20% (1/5)       | 17% (2/12)      | 11% (4/35)      |

Source: Author’s own data

The fifth most common frame (which is also the last but one) is the Normalizing frame. It appears in 7 out of 56 documents. Its importance is quite low throughout the years (0% during the 70s/80s, 20% in the 90s, 17% in the period 2000-2004, and 11% in 2005-2009). Its rank is close to the bottom in all time periods. What is interesting about the Normalizing frame is that it diverges quite a bit from the ones mentioned thus far, in that it does not portray irregular immigration as a threat in any way, neither to immigrants themselves nor to the EU. Rather it describes it as a sort of “normal” behavior, where the Commission expresses understanding for the acts of irregular immigrants, and implicitly seem to mean that these only behave rationally given their situation. Anyone would do the same thing. Irregular immigrants are normal and virtually no different from anybody else, nor better nor worse. The general discourse that the frame can be said to be part of is a discourse that sees irregular immigration as Non-Threatening.

Commission formulations that have been categorized as being part of the Normalizing frame are the ones that deem irregular immigration normal or at least rational as well as a rather natural outcome of there being too few legal ways to enter the Union. An example of when the Commission sees irregular immigration as a normal feature of society is when it states that: “It must be recognised that some illegal migration will take place whatever legal channels are put in place since there will always be some pull or push factors which are not affected by them” (COM(2004)412, p. 12). The Commission thus argues that no matter what, there will always be such a thing as irregular immigration, it cannot be extinguished, and this I take to mean that irregular immigration in a way has become a normal feature of society. Various formulations by the Commission also depict irregular im-
migrants as “normal” by way of portraying their reasons to leave their home countries as rational. Two such examples are the following:

Usually there are a range of motives behind decisions to come to the EU; economic considerations are by no means the only factors. Decisions to migrate [irregularly] are based on an individual assessment of a number of push factors such as unemployment or permanent low-wage levels; natural disasters or ecological devastation and of pull factors such as informal sector and employment with higher level of wages; political stability, maintenance of the rule of law and effective protection of human rights; different labour market conditions (COM(2004)412, p. 11, bold in original).

A number of drivers are likely to further increase the magnitude of the phenomenon [of irregular immigration]: environmental degradation, possible natural disasters, increasing numbers of facilitators that organize the smuggling of human beings and continued conflicts. Moreover, the continuing high population growth in Europe’s neighbourhood, especially in Africa, combined with poor economic performance and political instability, could act as a strong push factor (SEC(2008)2026, p. 24).

In both of the quotes, the Commission discusses the motives for why irregular immigrants depart from their countries of origin, and my impression is that it reaches the conclusion that the reasons not only are manifold, but also that most of the reasons are very understandable and that anyone in the same situation might reach the same decision to leave. The reason to leave is rational. Another example of when irregular immigration, particularly the one engaged in the black labor market, is framed as being the outcome of rational behavior is when the Commission states how well-matched irregular immigrants’ motives for leaving are with certain employers’ desire for cheap labor: “The employment of third-country nationals who are illegally staying (hereinafter ‘illegal employment’) is the result of migrants seeking a better a life and meeting the demand from employers willing to take advantage of workers who will undertake what are usually low-skilled, low-paid jobs” (COM(2007)249, p. 2). Irregular immigration is hence seen as the rational meet between individuals and the black labor market.

Another much related line of reasoning appears in some of the Commission’s accounts that focus not on why irregular immigrants leave their home countries, but on why they end up with the irregular status. The Commission here argues that there are too few legal paths into the Union, which implies that irregular immigration is being merely a rational response to that. The five following quotes are examples of this kind of reasoning: “With migration pressures increasing and opportunities for legal migration being increasingly restricted, people wanting to enter the Union are likely to continue to turn to illegal migration” (COM(94)23, p. 27); “In those cases
where comprehensive immigration policies are not yet in place - which is also for the EU - workers will find their (illegal) way to enter the globalised labour market” (COM(2002)703, p. 15, parenthesis in original); “(…) Migrants enter irregularly to fill the gaps in the labour market because legal ways to do so are very limited and ineffective” (COM(2005)669, p. 28); “Since the legal gateways to Europe have been limited, illegal immigration grew in volume, reaching over 1% of the total European population according to the OECD estimates” (SEC(2008)2026, p. 30); and finally “If legal migration routes are limited or non-existent, skilled migrants may take the risk of illegal migration, and may take up illegal employment below their level of competence. Such migrant community is quite unlikely to contribute to brain circulation” (SEC(2008)434, p. 14). Picturing the roads to Europe as too closed for legal entry, the Commission in these quotes normalizes irregular immigrants, and their irregular status does not make them a threat. Moreover, what the Commission also does when formulating itself this way is that it exercises some self-criticism. It is not all that common in the empirical documents surveyed that the Commission expresses criticism towards the EU’s migration policy and sees it as being the cause of some immigrants’ irregular status. That is, the migration is normal in itself, only the EU’s policy of closed roads makes it irregular. In addition, in the last of the above-mentioned quotes, where irregular immigrants are portrayed as skilled migrants taking up illegal employment below their own competence level, the Commission furthermore sees irregular immigrants as a potential, but not realized, benefit to European economies. This is close to the frame that sees irregular immigrants as benefits, which is discussed in the next section.

Similar to the frames that have already been discussed, the Normalizing frame is not as straightforward in the empirical material as one might think based on the quotes provided here. Just as the other frames, in the actual Commission documents this one is blended with other frames, which make it exactly as vague and diffuse as the rest.

The Irregular Immigrant as an Economic Benefit Frame

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The least widespread frame in the empirical material is the Economic Benefit frame, which is found in only three documents. It first appears in the period 2000-2004, where it is located in 17% of the documents. In the period
2005-2009 it emerges in 3% of the documents, and its rank is at the bottom of the list in both periods. It is hence not far-fetched to conclude that the significance of the Economic Benefit frame is very low. The Economic Benefit frame depicts irregular immigrants as making a contribution to European economies. Similar to the Normalizing frame, it can be said to be part of a general discourse that pictures irregular immigration as Non-Threatening.

Examples of when the Commission has described irregular immigration as providing a benefit to the economy are the two following ones:

It is, of course, difficult to evaluate the impact of irregular migrants working in the EU since their number and whereabouts cannot be estimated with any precision. Although they, and in many areas also low-skilled legal migrants, undoubtedly make a contribution to the economy in the short-term, their presence may also hinder the implementation of structural changes which are necessary for long-term growth. (---) On the other hand, the regional and sectoral concentration of [irregular] migrants can mean that they represent an important force in the local economy (COM(2000)757, p. 27).

Furthermore, it seems that the large waves of legal and illegal immigration into the US since the late 1980’s is the main reason why the ageing trajectory of the US has markedly improved by comparison to, and now differs substantially from, that of Europe (...). By contrast, it is increasingly common to see the economic stagnation in Japan over the last decade as partly caused by the decline of the working-age population since the mid-1990’s, with severe restrictions on immigration which have kept the inflow of migrants far too small to allow it to alleviate the impact of rapid ageing on labour supply, employment and growth (…) (COM(2003)336, p. 10).

What the quotes show is that the Commission sees irregular immigration as having benefited the economy. In the second quote the Commission argues that irregular (as well as legal) immigration to the USA has neutralized the effects of an ageing population and thereby helped the economy. This is contrasted to the demographic and economic situation in Japan and Europe, where immigration has been smaller. In the first quote the Commission moreover stresses that irregular immigration has been important especially in certain local economies and that it has contributed to economic growth in the short-term. However, in this formulation it also argues that in a long-term perspective irregular immigration has been problematic as it has prevented structural changes that the Commission deems necessary in the long run. The Economic Benefit frame is hence not fully straightforward.

A further example of when the Commission frames irregular immigration in terms of economic contribution is when it discusses a possible introduction of a seasonal migration regime:
The aim is to provide the necessary manpower in the Member States while at the same time granting a secure legal status and a regular work prospective to the immigrants concerned [i.e. those who otherwise often become irregular immigrants], thereby protecting a particularly weak category of workers and also contributing to the development of the countries of origin. Even in presence of high unemployment, this category of immigrant workers rarely conflict with EU workers as few EU citizens and residents are willing to engage in seasonal activities (COM(2005)669, p. 7).

What the Commission argues here is that immigrants that usually are susceptible to turn to irregular migration paths constitute a much more flexible workforce than do EU citizens, in that they are willing to take up seasonal jobs that even unemployed EU citizens turn down. This line of argument fits the Economic Benefit frame as it depicts (former) irregular immigrants as useful as a flexible workforce. In addition, the Commission also reasons that these migrants could contribute to their home countries’ development (when they spend their salaries upon return to the home country). The migrants are thus seen not only as potentially beneficial to European economy but also to the economy of their countries of origin.

An interesting thing to note is that while both the Normalizing frame and the Economic Benefit frame belong to a discourse that sees irregular immigration as Non-Threatening, they still differ from one another in a very particular way. Whereas the Normalizing frame portray irregular immigrants as basically no different from anybody else, the Economic Benefit frame seems to do the opposite. In most cases it seems to view irregular immigrants as being a benefit exactly because they differ from EU citizens: that they are willing to take up jobs that EU citizens do not want (quote three) and that they work under inferior conditions (implicit in quote one).

A Note on the Diagnostic Frames’ Vagueness

Based on the survey above, the different frames may appear as very clear and distinct from each other, but as has been stated on several occasions already, there is a constant element of vagueness in the Commission’s use of descriptions. Irregular immigration is most often described very briefly and without detailing neither exactly how the Commission views the issue nor how it reached the conclusion that irregular immigration is indeed about just that. For example, the Commission may in a document claim that irregular immigration limits the likelihood of success for efforts trying to advance the situation of legal migrants (see e.g. COM(74)2250, p. 21). However, it fails to explain how irregular immigration is supposed to limit this likelihood, and never states how it came to the conclusion that this limitation may arise.
Another factor that increases the vagueness of the frames is that one kind of description, i.e. falling under a certain frame, by the Commission is presented alongside another kind of description that falls under a completely different frame that maybe even belongs to a different discourse. This makes them much more diffused and intermingled than the division into frames might seem to suggest. The arguably best example in the whole empirical material of this is the following lengthy quote, which contains descriptions of irregular immigration that have previously in this chapter been presented independently from each other:

Illegal immigration is a serious concern from different points of view.
   From a security perspective, illegal immigration may be linked with terrorism, trafficking in human beings, drug smuggling, smuggling of weapons, exploitation, slavery-like working conditions and other serious crimes which therefore pose a major threat to European societies.
   Besides these security issues, illegal immigration is often associated with humanitarian tragedies, linked to the conditions of entry into the EU territory, with the help of criminal networks. It is worth noting that a great number of detected illegal immigration by sea takes place through the use of small craft or dinghies which are not seaworthy and are therefore seriously jeopardising the lives of their occupants. It needs also to be noted that migrants without residency status (asylum seekers and undocumented migrants) have no or limited access to services that are essential to guarantee fundamental human rights (e.g. effective access to education for children of illegal migrants, access to health care).
   Moreover, illegal entry, transit and stay of third-country nationals who are not in need of international protection, undermines the credibility of the common European and the Member States’ immigration policy. Effective countermeasures against such infringements are therefore necessary, and any regularisation programme should take into account the risk of creating any pull factors.
   The prevalence of this phenomenon, which does not take into account the reception capacities of the Member States, results in multiple and diverse social costs, including costs of assistance and health care (whilst varying across individual Members States) in the absence of legal livelihood; loss of tax revenue, social security systems, legal employment opportunities and unfair competition owing to illegal employment; and added costs of inspection and ultimately return procedures. Amnesties/regularisations, even when a work contract is required, do not ensure that the migrants who benefit are those which are most needed by labour markets added to which their long-lasting occupational inclusion is often problematic (SEC(2008)2026, p. 24-25).

As the quote shows, different frames are often mixed (though the Commission’s descriptions of irregular immigration are rarely as long and as elaborate as this one). This quote includes no less than four different
frames. It is in this sense hard to separate them from each other, and to weight their relative importance.

Summing up and discussing the Chapter Findings

The aim of this chapter was to analyse the Commission’s diagnostic framing of the issue of irregular immigration during 36 years. Having studied the documents from the 1974 until 2009, a few rather unmistakable trends have become clear. Firstly, the issue of irregular immigration was a minor issue not only in the 1970s, but also in the 1980s and 1990s. The big boom in discussing it came after 1999. Secondly, the Commission’s preferred term to use for the phenomenon throughout the years was “illegal” immigration, as opposed to “irregular”, “clandestine” or “undocumented”, even though “illegal” is supposedly closely associated with a criminalised view of irregular immigrants. Thirdly, the way that the issue was framed has experienced both changes and continuities. The main continuity is that the top ranked frame in all time periods was the Irregular Immigrants as Victims frame, which portrayed irregular immigrants as easy targets for exploitation, as victims on the journey to Europe or as marginalised in society. The discourse that the Victims frame is part of considers irregular immigration primarily a threat to immigrants themselves, not to the EU. Other frames were the Socio-Economic Threat frame, which was found in all four decades and the Securitarian Threat frame, which became important in the 2000s. The discourse that the Socio-Economic Threat frame and the Securitarian Threat frame are part of is the Threat to the EU discourse. Another frame found in the empirical material was the Threat to the EU Migration Policy frame, which sees irregular immigration as a threat to both the EU and immigrants at large. This frame seems to be of medium importance. Two frames that have been of low weight, but that differ from the other ones in that they consider irregular immigration as Non-Threatening are the Normalising frame and the Economic Benefit frame respectively. Apart from the Victims frame, which was the most common throughout the time period, the other frames went through some important variation in so far as that their rank changed over time. These results are summarized in the table below.
<table>
<thead>
<tr>
<th>Diagnostic frame</th>
<th>Discourse</th>
<th>Detailed descriptions</th>
<th>Frame frequency in documents (rank in parenthesis)</th>
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<td>Irregular Immigrants as Victims</td>
<td>Threat to Immigrants</td>
<td>Victims of exploitation Marginalised in EU society Victims on the journey to Europe</td>
<td>100% (1) 60% (1) 58% (1) 46% (1)</td>
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<tr>
<td>Socio-Economic Threat</td>
<td>Threat to the EU</td>
<td>Growth of parallel economy Undermines welfare state</td>
<td>75% (2) 40% (2) 33% (3) 26% (2)</td>
</tr>
<tr>
<td></td>
<td>Threat to the EU</td>
<td></td>
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<td></td>
<td>Threat to the EU</td>
<td></td>
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<tr>
<td></td>
<td>Threat to the EU</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Threat to Immigrants</td>
<td>Threatens the integrity of the EU migration policy Threatens acceptance of legal migrants</td>
<td>50% (3) 40% (2) 42% (2) 17% (4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Securitarian Threat</td>
<td>Threat to the EU</td>
<td>Organized crime Various criminal insecurities</td>
<td>0% (-) 20% (4) 33% (3) 23% (3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Normalizing frame</td>
<td>Non-threatening</td>
<td>Irregular immigration as rational behaviour Too few legal ways to enter the EU</td>
<td>0% (-) 20% (4) 17% (5) 11% (5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irregular Immigration as Economic Benefit</td>
<td>Non-threatening</td>
<td>Contribution to European economies</td>
<td>0% (-) 0% (-) 17% (5) 3% (6)</td>
</tr>
</tbody>
</table>

Source: Author’s own data
The most prominent diagnostic frame is accordingly the Irregular Immigrants as Victims frame, which holds the top rank throughout the years. One should, however, also ask how far ahead it is. The other frames are clearly not unimportant (except maybe for the Normalising and the Economic Benefit frames), and are actually mentioned to quite a large extent. Moreover, in the empirical documents, the frames are often rather vague and intermingled with each other, which further complicates the prominence of the Victims frame. For instance, irregular immigrants are seen as victims of exploitation in the workplace, but at the same time causing an unlevel playing field by their presence. They are seen as victims of unscrupulous traffickers and smugglers, but at the same time the phenomenon of irregular immigration is seen as very tightly linked to both trafficking and smuggling in the form of organised crime, which is a threat to Europe. It may, therefore, not be entirely acceptable to claim one frame’s dominance over the others when they are in fact so often blended together. Then again, one should not play down the primacy of the Victims frame too much either. After all, it is indisputably the Commission’s most common way to describe irregular immigration. In all therefore, I think it is fair to argue that the Commission mainly diagnostically frame irregular immigrants as victims. As regards the larger discourses, one can conclude that the most prominent one focuses on irregular immigration as a Threat to the Immigrants Themselves. Of less importance is the discourse that considers it a Threat to the EU. Of much lower importance is the discourse that considers irregular immigration as Non-Threatening. Given that the discourses, if thinking spontaneously, would give rise to different policy solution, it is now time to turn to the analysis of exactly that; the prognostic framing of the Commission.

My findings regarding the Commission’s diagnostic framing can moreover not easily be analysed as simply part of the politics of exception and the politics of unease. The existential threat is hardly there at all, and while the logic of unease is there in the context of portraying irregular immigration as a Socio-economic threat, a threat to the EU Migration Policy and a Securitarian threat (which is the only one that may also be analysed as part of the logic of exceptionalism), it is there only to a lesser extent than the Victim frame, which is the most prominent.

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69 Though not depicted in the table above, the number of documents that contains the discourse on irregular immigration as a Threat to the Immigrants Themselves is 32 (out of 56). This means that it is present in 57% of the studied document. The number of documents that contains the discourse on irregular immigration as a Threat to the EU is 27, meaning that it is present in 48% of the documents studied. Hence, also on the level of discourse, the main definition of irregular immigration is that it threatens immigrants the most, although the view of it threatening the EU is not far behind.
6. The Commission’s prognostic framing of irregular immigration

Introduction

This chapter analyzes the Commission’s prognostic framing of irregular immigration, i.e. its preferred way to handle the issue of irregular immigration. It starts by examining the frame usage over the four time periods during the years 1974-2009. After that, each prognostic frame is analysed in-depth, including what specific instruments it covers and what grand strategy it can be said to be part of. At the end of the chapter, I discuss the findings and what prognostic frame that has been the most prominent, as well as compare this with the findings of the previous chapter on diagnostic frames.

How to Handle Irregular Immigration: Prognostic Frames 1974-2009

Overall, there is no doubt that the issue of irregular immigration has gained more and more attention from the Commission over the past ca 35 years also as regards what policy solutions that should be applied. In fact, the documents analyzed often tend to concentrate on the solutions, i.e. the prognostic frames, rather than seeking to define what kind of problem irregular immigration constitute, i.e. the diagnostic frames. If one looks at the contents of the documents over time, it becomes clear that the Commission in the early documents from the 1970s tried to argue that there was a need for EU member states to work together on this issue, whereas in the later documents, this is more taken for granted. Rather than arguing in favor of more EU cooperation on irregular immigration, it then focuses on all the actual policy solutions it wishes to apply and they are multiplying in the latter periods compared to the earliest period.
1970s and 1980s, Using Labor Market Solutions: Combating Illegal Employment and Providing Rights to Irregular Workers

<table>
<thead>
<tr>
<th>Frame frequency rank in documents</th>
<th>Prognostic frame</th>
<th>Grand strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (100%)</td>
<td>Combat illegal employment</td>
<td>Mainly Averting immigration</td>
</tr>
<tr>
<td>2 (50%)</td>
<td>Protection of rights</td>
<td>Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>2 (50%)</td>
<td>Information campaigns</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>4 (25%)</td>
<td>Information exchange between member states</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>4 (25%)</td>
<td>Return policy</td>
<td>Averting immigration</td>
</tr>
</tbody>
</table>

Source: Author’s own data

In the four Commission documents available from this time period, there is one prognostic frame that stands out from the rest in terms of how frequently it is mentioned, and that is the frame of Combating Illegal Employment. It is mentioned in all of the documents. The second most frequent frame that the Commission argues in favor of is the Protection of Rights frame, which is found in half of the documents, and for instance includes that workers, irrespective of them having an irregular status or not, have the right to remuneration for the work carried out (see e.g. COM(85)48, p 10). What these two frames have in common is that both wish to handle irregular immigration from a labor market perspective, though their grand strategies are going in different directions: one seeks to avert immigration, whereas the other one seeks to provide rights to irregular immigrants on EU territory. Equally common as the Protection of Rights frame, is the Information Campaigns frame. During this time period, it comes in two kinds. One that encourages information campaigns aimed at potential migrants, another aimed at the EU public, to raise awareness on the issue. Of least importance among the policy solutions recommended by the Commission in the earliest time period are the Information Exchange between EU member states and the Return Policy frames. Both of which are parts of the same grand strategy of seeking to avert immigration. The Information Exchange frame was first introduced in the 1980s, when the Commission argued in favor of member states sharing information on measures they intended to take in the area of migrant workers, including irregular migrants (COM(85)48, p. 19). This may be seen as a
manifestation of how the Commission at the time tried to tie the member states closer together on the issue.

1990s, Solutions Boom: Border Control and Return Policy up, Labor Market Solutions down

<table>
<thead>
<tr>
<th>Frame frequency rank in documents</th>
<th>Prognostic frame</th>
<th>Grand strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (80%)</td>
<td>Border control</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Return policy</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Information campaigns</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Financial assistance to third countries</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>2 (40%)</td>
<td>Take care of victims</td>
<td>- A mix between averting and helping</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>Combat illegal employment</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>Protection of rights</td>
<td>Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>Fight trafficking</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>Visa policy</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>Information exchange between member states</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>6 (20%)</td>
<td>More legal ways into the EU</td>
<td>Open up to legal immigration</td>
</tr>
</tbody>
</table>

Source: Author’s own data

The difference between the Commission’s preferred solutions in the 1990s compared to the earlier time period is considerable. The most notable change is probably that there are suddenly many more solutions suggested; eleven compared to merely five in the previous period. Another change is that the labor market perspective is low in the 1990s, with a large decline both for
the Protection of Rights frame and the Combat Illegal Employment frame. In addition, the new frame of Border Control has been introduced and immediately climbed to the top of the frequency rank list. Moreover, the Return Policy frame, which was only mentioned to a limited extent in the previous period, is now mentioned in 40% of the documents and it is the second most common frame that the Commission argues in favor of (though shared with three others). Both the Border Control frame and the Return Policy frame can be said to fall under the same general strategy of averting irregular immigration. Other prognostic frames, equally common as the Return Policy frame, are the Information Campaigns frame, the Financial Assistance to Third Countries frame and the Take Care of Victims frame. All three of which can be described as having the general strategy of mixing helping immigrants with averting immigration. Just as in the previous time period, the Information Campaigns are meant to inform both the public and potential migrants on the risks of irregular immigration (see e.g. COM(94)23, p. 5; COM(96)567, p. 10). The two new frames of Financial Assistance to Third Countries and Take Care of Victims mix helping third countries and individual irregular immigrants with elements of effectively avoiding more immigration. The rest of the Commission’s seven favored solutions are all present in 20% of the documents and they are part of grand strategies going in different directions. New compared to the previous period is the Visa Policy frame, which seeks to avert irregular immigration. New are also the solutions trying to Fight Trafficking, which is a mix of helping (certain) irregular immigrants and averting more immigration, and the More Legal Ways into the EU frame, which tries to stem irregular immigration not by stopping immigration, but by enhancing the legal routes for immigration.

In all, during the 1990s, many new types of strategies were suggested by the Commission. Though they are pointing in different directions as concerns the overall grand strategy, a dimension many of them share seems to be that there is an external dimension on the rise. There are two major indications of this. The first one is that it seems as though EU member states are beginning to see themselves increasingly as one unit on this issue: they start to view their borders as truly common by arguing in favor of more external border control, a common Visa policy and a common return policy. The second is that the idea to involve third countries also slowly gained momentum within the Commission during the 1990s, as demonstrated by the emphasis on financial assistance to third countries for the first time.
Table 6.3 Prognostic Framing, 2000-2004 (12 documents)

<table>
<thead>
<tr>
<th>Frame frequency rank in documents</th>
<th>Prognostic frame</th>
<th>Grand strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (83%)</td>
<td>Return policy</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>2 (58%)</td>
<td>Surveillance</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>3 (50%)</td>
<td>Information exchange between member states</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>4 (42%)</td>
<td>Border control</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>4 (42%)</td>
<td>Fight trafficking</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>4 (42%)</td>
<td>More legal ways into the EU</td>
<td>Open up to legal immigration</td>
</tr>
<tr>
<td>7 (33%)</td>
<td>Financial assistance to third countries</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>7 (33%)</td>
<td>Combat illegal employment</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>9 (25%)</td>
<td>Visa policy</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>9 (25%)</td>
<td>Take care of victims</td>
<td>- A mix between averting and helping</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>9 (25%)</td>
<td>Information campaigns</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>12 (8%)</td>
<td>Protection of rights</td>
<td>Provide rights to irregular immigrants</td>
</tr>
</tbody>
</table>

Source: Author’s own data

With the turn of the millennium, the Return Policy frame reached the top of the Commission’s favored policy solutions. Second in place was the Surveillance frame, which during this period was introduced for the first time, and climbed to one of the top positions. It covers different modes of trying to watch and control irregular immigration, ranging from information systems to detention. It is probably fair to assume that the dramatic rise of the Surveillance frame has to do with the aftermath of the terrorist attacks of 11 September 2001, after which similar measures have risen in many countries in the Western world (for a further discussion see section on evolution of the
field, in chapter 7). Both the Return Policy frame and the Surveillance frame share the same grand strategy of trying to avert immigration. So is to a large extent the third most mentioned frame: the Information Exchange between Member States frame. The Border Control frame, which was the most preferred solution in the previous period, is still relatively significant, but it shares the fourth position with two other frames: Fight trafficking and More Legal Ways into EU. The last-mentioned, which was ranked at the bottom in the last period, has now climbed to being the fourth most frequently favored solution. At this point it focused considerably on the possibility of establishing more temporary labor migration permits. In the lower half of the list there was at this time the Financial Assistance to Third Countries frame and the Combat Illegal Employment frame, as well as Visa policy, Information Campaigns and Take Care of Victims. The Protection of Rights frame has decreased heavily in popularity since the 1970s and 1980s, and is now the least common in the empirical material.

In all, many of the prognostic frames during 2000-2004 signal an intensified cooperation between EU member states, which means they continued the road laid out in the previous period. Several of the policies suggest how much tighter EU members are becoming in the policy towards irregular immigration. Moreover, during this period the Commission’s preferred policy solutions become much more specified than in earlier time periods. The EU cooperation on irregular immigration seems to becoming more mature in that sense. In this mature state, policies seeking to avert immigration are the most prominent in the top of the table.
Between 2005 and 2009, the prognostic frames of Border Control, Surveillance and Return Policy sustained their top rank as being among the most frequently recommended by the Commission, though the internal order between them changed. The Border Control frame is now the most preferred (66%), the Surveillance frame is in second place (63%) and the Return Policy frame in third (51%). With the consolidation of the top positions for these three frames, the grand strategy of averting immigration was consequently further reinforced. The two frames next in line were the Combat Illegal Em-

<table>
<thead>
<tr>
<th>Frame frequency rank in documents</th>
<th>Prognostic frame</th>
<th>Grand strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (66%)</td>
<td>Border control</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>2 (63%)</td>
<td>Surveillance</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>3 (51%)</td>
<td>Return policy</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>4 (43%)</td>
<td>Combat illegal employment</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>5 (40%)</td>
<td>Financial assistance to third countries</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>6 (31%)</td>
<td>Fight trafficking</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>7 (29%)</td>
<td>Information exchange between member states</td>
<td>Mainly averting immigration</td>
</tr>
<tr>
<td>8 (26%)</td>
<td>More legal ways into the EU</td>
<td>Open up to legal immigration</td>
</tr>
<tr>
<td>8 (26%)</td>
<td>Take care of victims</td>
<td>- A mix between averting and helping</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>10 (9%)</td>
<td>Information campaigns</td>
<td>A mix between averting and helping</td>
</tr>
<tr>
<td>10 (9%)</td>
<td>Protection of rights</td>
<td>Provide rights to irregular immigrants</td>
</tr>
<tr>
<td>12 (6%)</td>
<td>Visa policy</td>
<td>Averting immigration</td>
</tr>
</tbody>
</table>

Source: Author’s own data
ployment frame and the Financial Assistance to Third Countries frame. As regards the latter, argued in favor of in 40% of the documents, its relatively influential position probably to a large extent is tied to the rise of the so-called Global Approach to Migration and hence one of the external dimensions of JHA, which was taken up in a number of Commission documents during this time period. Of medium importance during the period, are the Fight Trafficking and Information Exchange frames. Ending up at the lower half of the table, the More Legal Ways into the EU frame had lost some of the attention it received in the former period. Furthermore, the Take Care of Victims frame was of comparatively little importance. Of marginal and very marginal importance were the Information Campaigns frame, the Protection of Rights frame and the Visa Policy frame respectively, all three at the bottom positions of the table for this period.

The broad impression of the most preferred prognostic frames during this period is that they to a large extent seek to avert immigration. Of medium importance are the frames that mix helping immigrants with averting further immigration, whereas the frames falling under the grand strategies of open up to legal immigration and providing rights to irregular immigrants are to be found among the less advocated solutions.

The Prognostic Frames Analyzed in Detail

Border Control: Advocating Institutions and Funding for the Control of Borders

<table>
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</thead>
<tbody>
<tr>
<td>Frequency per cent (quantity)</td>
<td>0%</td>
<td>80% (4/5)</td>
<td>42% (5/12)</td>
<td>66% (23/35)</td>
</tr>
</tbody>
</table>

Source: Author’s own data

The prognostic frame most frequently mentioned in the empirical material from 1974-2009 is the Border Control frame. Out of 56 documents, the Commission argues in favor of it in 32, but its popularity has not been present throughout the time periods. Whereas it was non-existent in the documents of the 1970s and 1980s, its ranking went sky-high when it was first introduced in the 1990s and was advocated in 80% of the document, which made it capture the first place of all the solutions recommended in that time
period. In 2000-2004, the Border Control frame dropped to a shared fourth place (42%) and then it went back again to the first place in 2005-2009 (at 66%). It has thus been continuously popular in the Commission since the 1990s, though not being able to keep the absolute top spot throughout. The grand strategy that the Border Control frame can be said to be part of is clearly the strategy of averting immigration. This since its main purpose as regards irregular immigration is to curtail its presence. In the words of the Commission: “High standard external border controls are an important contribution in order to prevent illegal immigration” (COM(2001)672, p. 17).

If one looks more closely at what kind of border control instruments the Commission talked about in the different time periods, it seems as though a general trend of deepening and detailing measures has taken place. In the 1990s, the talk about the EU’s common external borders became important for the first time. It was argued that the EU should focus on member states with external borders and that robust controls of their borders should be secured (see e.g. SEC(1991)1855, p. 20; COM(93)684, p. 15; COM(94)23, p. 28). In 2000-2004, the idea that the EU needed more common external border control was concretized, through the Commission’s advocating of instruments such as a common border agency, a European border guard, joint border control teams, and for more joint financial measures. In 2005-2009, a further deepening took place when the Commission continued to give these measures plenty of attention, and now also in detail spell out what the instruments should look like in ever more concrete terms. The instruments were given names such as Frontex for the common border agency (inaugurated in 2005), RABIT for the border control teams and the European Borders Fund and the European Return Fund for the more specified joint financial measures. More new measures were also promoted: the expansion of border control to third countries and a capacity to manage mixed immigration flows (i.e. asylum seekers together with irregular and trafficked immigrants). The overall trend in the Commission should therefore be seen as one of progressively seeking to deepen border control.

To see in more detail what measures the Commission prefers and how each measure has gone through a deepening process since the 1990s, it is useful to focus on the 2000s. Whereas the common external border control first started to be strongly emphasized in the 1990s and some initial cooperation was launched, the 2000s was nevertheless the decade for concretizing desired details.

One of the most important instruments that the Commission has argued in favor of is no doubt an agency for common external border control. In 2003, the Commission put forth a proposal to the Council with the content of establishing a “European Agency for the Management of Operational Co-operation at the External Borders” (COM(2003)687), what was later to be known as the Frontex agency. The Council adopted a regulation on the introduction of Frontex in late 2004. Up until then, measures taken in
the area of border control had according to the Commission been too much ad hoc, and the Commission assured that measures would become more effective with the introduction of the agency: “The Agency will ensure the operational coordination and effective control of the activities that are currently lacking” (SEC(2004)1349, p. 18-19). The same year as the launching of Frontex, the Commission claimed nothing less than that “The establishment of the FRONTEX Agency has provided the EU with a necessary tool to make a decisive step towards strengthening operational cooperation” (COM(2005)621, p. 4, caps in original). There can hence be no doubt that the Commission saw the creation of Frontex as incredibly important in the fight against irregular immigration, and this position has not diminished over the years. Throughout the 2000s, the Commission kept referring to the agency with a great amount of appreciation and arguments that it has helped to stem irregular immigration (see e.g. COM(2009)263, p. 6; SEC(2009)320, p. 3), though the document analysis suggests that the support was kept in more general terms in the first half of the 2000s, while in the second half it became more commonplace to argue in favor of further boosting the agency and its capacities (see e.g. SEC(2008)2026, p. 37-38; COM(2009)262, p. 32). This development is not a great surprise given that Frontex was inaugurated in 2005, and only after some time of being operational can it be seen as viable to come with concrete suggestions for improvement.

Apart from Frontex, the border control measures most often advocated by the Commission in the first half of the 2000s were the creation of a European border guard and joint teams for border control. According to the Commission, a European border guard would be a “core element” of a strategy for external border control (COM(2001)672, p. 17), by adding a European dimension to the national border control of each member state (see e.g. COM(2004)401, p. 9). In the words of the Commission: “(…) the creation of a ‘European Corps of Border Guards’ (…) is necessary to support and complement the actions of Member States’ bodies in the management of their external borders” (COM(2003)323, p. 19). It was, however, not until 2006 that the Commission would actually put forth a proposal to the Council and the European Parliament to create Rapid Border Intervention Teams, so-called RABITs (COM(2006)401), which was finally adopted a year later. The Commission saw RABIT as an instrument to address a situation where a member state faced “the mass influx of illegal immigrants” (COM(2006)733, p. 6). RABIT was put under the management of Frontex in 2007. It consists of national experts on border management, such as border guards, police officers, immigration officers etc. The experts are assembled

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in a pool and are available to EU member states when needed. The Commission has also argued that Frontex should work more together with Europol and member states to fight trafficking in human beings and that it could be used for coordinating operations between liaison networks in those third countries which migrants tend to depart from or transit through (COM(2005)514, p. 7; COM(2006)331, p. 7). Frontex should moreover, in the eyes of the Commission, become more effective in intercepting boats with irregular immigrants by determining a modus operandi for how interception should be carried out (COM(2006)733, p. 10). The Commission has also argued that Frontex’s operations should move from being so short term to become more permanent:

Addressing at the first the outcomes with respect to operational cooperation at the external borders, it should be noted that FRONTEX has faced high expectations from EU institutions, Member States and the public at large to take forward operational coordination to counter illegal immigration, in particular for the coordination of operations at the southern maritime borders. During the years 2006 and 2007 FRONTEX has conducted 33 joint operations and 10 pilot projects. However, this increase in FRONTEX powers is not sufficient to meet the challenges posed. Because of their short term duration, operations conducted in high risk areas in 2006 and 2007 were not able to ensure effective border controls and surveillance which implies a permanent nature of the joint operations at specific high-risk areas (SEC(2008)2026, p. 37-38, caps in original, see also COM(2008)359, p. 12).

As I understand this, Frontex should, according to the Commission, be continuously stationed in some border areas. To move capacities to Frontex seems to be another quite common suggestion. The same year, the Commission stated that Frontex should obtain and keep its own equipment for border control and surveillance as opposed to having only member states’ equipment on loan, to be used by RABIT teams (COM(2008)67, p. 7). Another suggestion implicating that there should be “more Frontex” is the idea that Frontex should take over the management of the ICONet information system from the Commission (for an analysis of ICONet, see section on the Info-

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information Exchange frame), and take over the activities that were then addressed by the Council group CIREFI, such as analysis of trends in irregular immigration (COM(2008)67, p. 4-8). Several suggestions have also revolved around how Frontex could be used for more cooperation with third countries. The border agency would then assist in providing other countries, above all candidate countries and neighbors, with technical support (COM(2006)402, p. 5; COM(2007)247, p. 6). The Commission also wants regional agreements to be signed with Mediterranean countries as well as North African Atlantic coast countries, in order to permit EU member states to carry out “surveillance and interception operations in the territorial waters of relevant countries of origin/transit” (SEC(2007)691, p. 7).\(^7\) This means that the Commission wants the EU to be able to carry out some of the external border control operations on third country territory, which seems to shift border control from the actual EU border to inside third countries, from actual irregular immigrants to potential irregular immigrants, i.e. stop immigration before it even has become immigration.

Frontex’s tasks today (2014) are the following: risk analysis to protect the border, coordinating member states in joint operations that aim at, for instance, curbing irregular immigration, setting up common training standards for border guards in the EU member states, managing the European Border Guard Teams (formerly RABITs) and coordinate member states’ return of irregular immigrants.\(^7\) Its resources have increased quite dramatically since its inception. The development of the Frontex budget looks as follows: in 2005 it was 6.2 million euro (Frontex website), in 2006 it was 19.2 million euro, in 2007 it was 42.2 million euro, in 2008 it was 71.2 million euro, and in 2009 it was 88.8 million euro.\(^7\) This means that the budget has been more or less doubled each year in Frontex’s initial years.

In parallel with the Commission’s advocacy of Frontex and the other related instruments for border control, it also started to argue in favor of sharing the financial burden for measures concerning border control. Already in the late 1990s, there were two initial programmes for actions related to irregular immigration. In 1996, the EU introduced the Sherlock pro-

\(^7\) Moreover; “In accordance with Article 14 of the Frontex Regulation, the Agency may cooperate with the competent authorities of third countries in the framework of working arrangements. In order to negotiate and conclude such arrangements, the Agency needs to be given a mandate by its Management Board. Currently such cooperation is formalised with the competent authorities of the Russian Federation, Ukraine, Croatia, the Republic of Moldova, Georgia, Albania, Serbia and the former Yugoslav Republic of Macedonia”(SEC(2009)320, p. 21).


gramme, which provided for community financing of member states’ training and exchange of officials, to combat forged identity documents.\textsuperscript{75} In 1998, the Sherlock programme was incorporated into the Odysseus programme which was then established. The Odysseus programme’s aim was expanded not only to focus on forged identity documents, but also to cover other aspects of asylum, immigration and external border control policy. Projects on irregular immigration that were eligible for funding concerned “illegal entry, residence and employment and the organization of the expulsion and repatriation of illegal immigrants, as well as combating trafficking in human beings and those responsible for organizing it”.\textsuperscript{76} Furthermore, projects that had to do with control of the external borders could be funded.\textsuperscript{77} The Odysseus programme was to last from 1998 to 2002, but its budget was empty by 2001. In 2002, a new programme was introduced, the ARGO programme, which lasted between 2002 and 2006. With respect to irregular immigration projects, it seems as though the content of ARGO was quite similar to the Odysseus programme and one of its purposes was to reduce irregular immigration (COM(2006)332, p. 16).\textsuperscript{78} In the document analysis, it becomes clear that in the first half of the 2000s, the Commission started to actively advocate a sharing of the financial burden for external border control measures between member states and the Union (see e.g. COM(2002)703, p. 43; COM(2003)323, p 16-17). It argued that: “The implementation of these policies and the cooperation between Member States should be guided by a solidarity principle that must be materialised in mechanisms that can guarantee fair burden sharing” (SEC(2004)1349, p 20). In 2007, the Council, on a proposal from the Commission regarding a General programme for the Solidarity and Management of Migration Flows, decided to establish four financial funds: 1) an External Borders Fund, 2) a European Return Fund, 3) a European Refugee Fund and 4) a European Fund for the Integration of Third-country nationals. The first-mentioned, the External Borders Fund, deals with issues concerning border control. (The second, the European Return Fund, deals with return policy and will be brought up in

\textsuperscript{75} 96/637/JHA: Joint Action of 28 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union introducing a programme of training, exchanges and cooperation in the field of identity documents (‘Sherlock’)

\textsuperscript{76} 98/244/JHA: Joint Action of 19 March 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, introducing a programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders (Odysseus-programme), article 8.

\textsuperscript{77} 98/244/JHA: Joint Action of 19 March 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, introducing a programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders (Odysseus-programme), article 9.

\textsuperscript{78} See also 2002/463/EC: Council Decision of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)
more detail under the heading of “Return Policy”, whereas the last two ones do not immediately have to do with irregular immigration). The General programme for the Solidarity and Management of Migration Flows with its four funds can be seen as a further move away from ad hoc funding of projects, to more and more specified and detailed funding schemes for measures in the area of migration and irregular immigration. If looking more closely at the budgets for the four funds it becomes clear that the EU has envisioned the External Borders Fund as being the most important in terms of money available for it (this holds for both the Commission proposal and the later Council decision, though the amounts of money change from proposal to decision). In the final decision, it is rewarded more than double the amount given to the second most important fund.79 The General programme for the Solidarity and Management of Migration Flows is projected to last 2007-2013, and it is the Commission that is responsible for its management. To its content, the External Borders Fund must be seen as being very control oriented as it focuses its funding on border crossing infrastructure, surveillance equipments, new technology e.g. for purposes of discovering those who irregularly cross a border and exchange of border control staff and immigration officers. Moreover, member states maintaining an external border should be prioritized for funding.80 The Commission has argued that the measures are both needed and necessary (see COM(2005)123; COM(2006)275, p. 40; COM(2008)68, p. 3)

In sum, the Commission has with emphasis argued in favor of enhanced border control as being an extremely important solution in its framing of irregular immigration. The border control measures that it has advocated (and that have been implemented) have gradually become more and more concretized.


Return Policy Frame: Ensuring the Effective Return of Irregular Immigrants

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<td>83% (10/12)</td>
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Table 6.6 Presence of the Return Policy Frame in the Documents

The Return Policy frame is promoted in 31 of the 56 Commission documents. During the 1970s and 1980s, it was mentioned in 25% of the documents, which put it in the bottom among the solutions brought up during that time period. In the 1990s, however, it became increasingly popular and was mentioned in 40% of the Commission documents, which means that it became the second most widespread prognostic frame that period (though it shared that position with three other frames). It reached its peak in the first half of the 2000s, when it was promoted in no less than 83% of the documents and with that climbed to the top position of all prognostic frames of that period. Between 2005-2009, the Return Policy frame was found in 51% of the documents, which made it the third most prevalent frame at that point. Rather akin to the Border Control frame, its popularity has thus been big as from the 1990s. From that decade on, its ranking position is placed no lower than at the top three of the list.

As for grand strategy, the Return Policy frame can be said to be part of a strategy of averting immigration, since its main purpose is to push for and ensure the effective return of irregular immigrants. The Return Policy frame as observed in the Commission documents basically has two integral parts. One focuses on repatriation, i.e. ensuring that the irregular immigrant leave EU territory, and one on readmission, i.e. ensuring that another country will accept the immigrant back. The country in question most often is the country of origin, but in later years the focus has increasingly been on transit countries, which is further analyzed below. Apart from repatriation and readmission, the Return Policy frame also includes an element of how the EU member states can show more financial solidarity with each other in ensuring the return of irregular immigrants. The underlying argument behind all these measures is that return is essential (COM(2004)412, p. 19; COM(2005)123, p. 148).

Starting with the repatriation part, this is found in the Commission documents in all four time periods, though it is most common in the 1990s and early 2000s. Concerning the Commission’s argument for why it focuses on repatriation, the following quote is telling: “A credible threat of forced return and its subsequent enforcement send a clear message to illegal
residents in the Member States and to potential illegal migrants outside the EU that illegal entry and residence do not lead to the stable form of residence they hope to achieve” (COM(2002)564, p. 8). In the eyes of the Commission, repatriation is hence both an instrument to send back captured irregular immigrants, as well as a tool to avert potential future irregular immigration before it has even occurred. The fact that repatriation is supposed to send a message, means that it goes beyond dealing with the people who are actually sent back, and is addressed also at those who consider migrating irregularly, as well as those irregular immigrants who have not been captured but run the risk of so being. Therefore, it can be seen as leading to what De Genova calls the state of “deportability” (see chapter 4, describing the situation of irregular immigration) since its effects not only hits the deported immigrants, but also those who are deportable. As for how to implement the repatriation of irregular immigrants, the preferable way according to the Commission is voluntary return, but as seen in the quote above and in many more instances, forced return is a must if the irregular immigrant refuses to return voluntarily (COM(94)23, p. 30; COM(2000)757, p. 12; COM(2002)175, p. 7-8; SEC(2008)2026, p. 25). As a way to encourage voluntary return, the Commission has moreover argued that there should be future restrictions for re-entry if the irregular immigrant is deported through forced return (COM(2002)564, p. 21).

A further desired element of how to implement the repatriation strategy of the EU, is according to the analyzed material, that the EU should strive for more and more common return procedures. The Commission has, for instance, argued in favor of mutual recognition of removal decisions (COM(2002)564, p. 5, 17). Another recurring suggestion has been that the EU should execute joint return operations (COM(2002)564, p. 15), preferably organized by Frontex (COM(2008) 359, p. 14). This has also gradually become more used in practice, under the lead of Frontex. In addition, the Commission in the early 2000s argued that it would be suitable if forced return was subject to some kind of minimum standards (COM(2002)564, p. 17; COM(2004)412, p. 19) and that EU member states had common rules on return (SEC(2004)1349). The result of this wish was the so-called Return Directive, which was proposed by the Commission in 2005 and adopted by the Council and the European Parliament in 2008. The following year, in 2009, the Commission argued that “The Return Directive provided for effective and humane standards in the return of illegal immigrants” (COM(2009)263, p. 7). The directive does include wordings that may be interpreted as being humane in the sense of rights-based, for instance that it

81 For a list of some of the executed return operations, see http://www.frontex.europa.eu/examples_of_accomplished_operati, 26 April 2011.
states that forced return must respect the fundamental rights and the integrity of the irregular immigrant. However, the Commission’s opinion that the Return directive was humane masks how controversial the directive has been on the whole. The most controversial part of the directive is that it allows for the incarceration of captured irregular immigrants not willing to voluntarily depart from EU territory (which is further discussed under the Surveillance frame). The Return directive, just as the rest of the Return policy frame, should therefore be seen as being primarily about averting immigration.

Though the repatriation part of the Return Policy frame above all is about making irregular immigrants leave the EU and therefore tends to focus on immigrants on EU territory, the Commission also sometimes shift focus to when the repatriated immigrant actually is returned to the third country. This is the case when it comes to the issue of reintegration. Reintegration has to do with assisting the returnee upon his/her return to the third country. It is most often discussed in connection to voluntarily returning legal migrants, but the Commission a few times has argued that it could be useful also in the case of returning irregular migrants:

While schemes to assist the return of migrants will usually be focused on legal migrants, they should not necessarily be reserved to them. The experience of the French “aide à la reinsertion” scheme shows that such schemes sometimes offer an “honourable way out” to migrants whose migration project has failed, including some illegal migrants. (---) A first lesson is that financial support is not enough to make return a success. Advice and other forms of non-financial assistance, both before and after the migrant’s return, play an indispensable role, especially when the migrant – who does not necessarily have directly relevant experience – intends to start his/her own business in the country of origin (COM(2005)390, p. 27).

It seems as though the Commission tends to bring up the issue of reintegration most clearly when it discusses the repatriation of typical victim groups, such as minors and victims of crimes (like trafficking): “Victims must be protected and helped by various measures: immunity from criminal prosecution, regularisation of their stay, development of compensation schemes, and assistance with reintegration into society in the country of origin if they return voluntarily and also in order to facilitate cooperation with investigations” (COM(2009)262, p. 20). And “Unaccompanied minors entering the EU territory illegally present another challenge that needs to be studied in depth. This will be followed by an action plan to underpin and supplement the relevant legislative and financial instruments and strengthen forms of cooperation with the countries of origin, including cooperation to facilitate minors’ return to their countries of origin” (COM(2009)262, p. 27). The Commission thus sees a need to assist returnees upon arrival in the country of origin. Though there is to the policy of reintegration noticeably still an
apparent element of getting rid of immigrants and preventing them from returning to the EU there is also an equally apparent streak of wanting to help the individual immigrant to resettle in the home country. Therefore, although the overall Return Policy frame must be seen as falling predominantly under the grand strategy of averting immigration, the reintegration part of it can rather be seen as a mix of averting and helping.

Moving to the second part of the Return Policy frame, the readmission component, this is about trying to convince a third country to accept the return of irregular immigrants. One can here quite clearly see a trend of readmission becoming increasingly popular among the Commission’s favored solutions to irregular immigration (see e.g. SEC(1991)1855, p. 22; COM(94)23, p. 30). The major instrument to be used for ensuring effective and lasting readmission is, according to the Commission, readmission agreements with third countries. The Commission has, for instance, argued that “The most valuable instrument to facilitate returns is by means of readmission agreements” (COM(2000)757, p. 12). Readmission agreements are agreements signed with third countries, where the third country approves to accept back an irregular immigrant that is being repatriated from the EU. The procedure is such that the Council adopts a decision to authorize the Commission to negotiate readmission agreements with the third country (COM(2002)703, p. 25). Thus far, the EU has signed readmission agreements with the following parties: Hong Kong (2002), Macao (2003), Sri Lanka (2004), Albania (2005), Russia (2006), Ukraine (2007), Bosnia and Herzegovina (2007), Montenegro (2007), Serbia (2007), Former Yugoslav Republic of Macedonia (2007), Moldova (2007), Pakistan (2009), Georgia (2010), Cape Verde (2013), Armenia (2013) and Turkey (2013) and others are being negotiated (SEC(2011)209, p. 2-3; MEMO/13/349; IP/13/1259). What the Commission noted already early on during the initial negotiations was, however, that it was not all that easy to convince the counterpart to sign the readmission agreements as they were so clearly drawn up in the interest of the EU as opposed to the third country’s. The Commission therefore started to argue in favor of taking the counterpart’s interests into account as well (COM(2003)323, p. 14). In a quote from 2002, it reasons that third countries should be given something in return for signing readmission agreements, but the Commission was at that point still reluctant as to what it could actually offer in return:

83 The agreements are actually drawn up in a way that ensures that both the EU and the other signatory agree to accept back their own citizens that have been captured abroad irregularly. However, the relationship between the EU and the countries with which agreements have been reached are not of the kind that that both are experiencing equal amounts of irregular immigrants from the opposite part. Therefore, the agreements can be viewed as being first and foremost about third countries taking back their citizens, not about the EU doing the same.
As readmission agreements work mainly in the interest of the Community, third-countries are naturally very reluctant to accept such agreements. Their successful conclusion, therefore, depends very much on the positive incentives (“leverage”) at the Commission’s disposal. In that context it is important to note that, in the field of JHA, there is little that can be offered in return. In particular visa concessions or the lifting of visa requirements can be a realistic option in exceptional cases only (e.g. Hong Kong, Macao); in most cases it is not (COM(2002)564, p. 24, see also COM(2002)175, p. 23; COM(2002)703, p. 26).

As shown in the quote, the Commission saw a need to take third countries’ interest into concern, but it did not see visa facilitation as a real possibility. Over time, however, this position has changed, and visa facilitation has not only become widely advocated by the Commission (see e.g. COM(2004)412, p. 14; COM(2005)491, p. 7, 10; COM(2009)262, p. 19), but it has also been used in practice on several occasions to secure successful readmission negotiations. Out of the 16 countries with which the EU had in 2013 hitherto signed readmission agreements, 11 had managed to accompany these with visa facilitation agreements (SEC(2011)209, p. 2-3; MEMO/13/349). Apart from visa facilitation, the Commission has also argued that mobility partnerships (circular migration) could be offered to certain third countries that agree to cooperate on return and readmission of irregular immigrants (COM(2007)248, p. 13-14). These are further discussed in the section on “More legal ways into the EU”.

In face of the problems that the Commission has had in making the counterparts sign readmission agreements, coupled with how high the Commission at the same time has valued the agreements, one may not be surprised to learn that it not only agreed to give something in return (such as visa facilitation and mobility partnerships). It has also found a way around signing specific readmission agreements, while still managing to make third countries agree to readmission. This has been achieved by mainstreaming readmission clauses into various kinds of EU external relations: “Furthermore, readmission clauses should be included in all future Community association and co-operation agreements” (COM(2001)672, p. 25). What the Commission here advocates is that readmission contracts should not only transpire through the use of readmission agreements with their often cumbersome negotiation processes. Instead, readmission clauses should be introduced into a range of external relation agreements. That way, the EU would get a powerful tool to convince third countries to agree accept back irregular immigrants. One example of how this has been used in practice, is that a readmission clause has been inserted into the development cooperation with African states (the Cotonou agreement). It can in brief be stated here that the clause enables the EU to make the developing country to readmit irregular immigrants. If the developing country wishes to benefit by the development cooperation in the Cotonou agreement, it must also agree to readmit its own
irregular citizens abroad. This way, the EU, according to the Commission, escapes the problem of having to offer visa facilitation or extra funding in return: “Since Article 13 of the Cotonou Agreement already provides for clear legal obligations for the Parties to that Agreement as regards the readmission of own nationals illegally present on the territory of another Party and as regards the conclusion of bilateral readmission agreements, the Commission considers that such supplementary financial incentives are not necessary and therefore shall not apply to those countries” (COM(2003)323, p. 14). In other words, since the developing countries have signed the Cotonou agreement, the EU can repatriate their citizens without having to pay further attention to their interests.

As far as the content of readmission agreements goes, the Commission has argued that the third country should not merely be obliged to readmit its own citizens, but also citizens of other countries that used the third country as transit country, as well as stateless persons (see e.g. COM(2002)175, p. 24). One example of a quote that shows this is the following: “However, as one of the main problems with illegal residents is the lack of identification documents and the corresponding difficulty in establishing his/her nationality, it would often be appropriate to extend that obligation [of the other signatory to readmit its own citizens] to cover also third country nationals” (COM(2002)703, p. 25, my square brackets). The Commission has thus found a way to circumvent the problem of identifying individual irregular immigrants, by not necessarily sending him/her back to the country of origin, but to another country that has signed a readmission agreement. This can be seen as somewhat controversial, as it may be interpreted as the EU is just dumping its own problems on other countries, as well as causing the immigrant difficulties as he/she may end up in a country where he/she has no contacts or any kind of relation to. If sent back to the border areas of transit countries, it is also hard to see what the prospects would be for the deported person, as these areas due to their overcrowdedness of other immigrants tend to offer little chance of integration or means of earning a regular livelihood. This preferred solution of the Commission is today to a large extent in use when signing readmission agreements.

When it comes to funding of measures falling under the Return Policy frame, the Commission has over the years advocated more solidarity and more common financial instruments. Similar to the Border Control frame, the financial measures for Return Policy were at the outset quite ad hoc. During the 1990s and early 2000s, return related matters could be funded through budget line B7-667, in addition to the joint actions of 1997 and 1999, as well as through the original European Refugee Fund (i.e. not the one that was decided on in 2007) (COM(2002)564, p. 22). Nevertheless, in the first half of the 2000s, the Commission started to make a case for establishing a fund that concentrated only on return measures (see
The result some years down the road was the European Return Fund, with the overarching aim of funding voluntary and forced return.\textsuperscript{84} This should be interpreted as a sign of the weight that the Commission has given the Return Policy frame, and how much it is directed towards averting immigration through repatriation.

### Surveillance frame: Detection and Detention of Irregular Immigrants

**Table 6.7 Presence of the Surveillance Frame in the Documents**

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<td>58% (7/12)</td>
<td>63% (22/35)</td>
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Source: Author’s own data

Overall, the third most advocated prognostic frame by the Commission is the Surveillance frame, which is supported in 29 out of the 56 documents analyzed. Its popularity is, however, not evenly distributed throughout the little more than 35 years that have been studied. On the contrary, the frame was not a solution that the Commission seemed to be thinking too much about in the documents of the 1970s, 1980s and 1990s as it was then not mentioned, but after the turn of the century it has risen to become the second most popular prognostic frame for the Commission from 2000 until 2009. As stated above, this can probably be linked to the general rise of surveillance measures after 11 September 2001.

The grand strategy that the Surveillance frame can be said to be part of is the one that seeks to primarily avert immigration. This since the advocated surveillance, as seen below, is first and foremost about detecting irregular immigrants and irregular immigration patterns, so as to either prevent potential irregular immigrants from ever arriving at EU territory, or to identify irregular immigrants already on EU territory in order to enable deportation.

When it comes to the specific instruments that fall under the Surveillance frame, the Commission has during the 2000s argued in favor of several information systems for surveillance, for Immigration Liaison Offic-

\textsuperscript{84} This is true both of the Commission proposal (COM(2005)123) and the final decision (Decision 575/2007/EC of the European Parliament and of the Council 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme ‘Solidarity and Management of Migration Flows’.
ers (ILOs) stationed abroad, for detention measures, and for different ways to supervise EU borders and international waters.

Beginning with the latter, measures that the Commission advocates in order to prevent potential irregular immigrants from entering EU territory mostly focus on supervising EU borders and territory beyond EU borders. The Commission has especially during the second half of the 2000s expressed a wish to see more rigid border surveillance measures (as also seen under the heading “Border Control frame” above), and has argued that large parts of EU external borders are not under surveillance and that this is a serious problem (SEC(2008)2026, p. 35-36). It has also called attention to maritime surveillance, which it means should be reinforced (COM(2006)275, p. 26). In terms of instruments, the Commission has, for instance, argued in favor of merging civil and military measures for surveillance of the sea. As it puts it: “The convergence of civil and military technologies, in particular in surveillance of the sea, should also help reduce the duplication of capabilities” (COM(2006)275, p. 40). Accordingly, it sees today an overlap between civil and military capabilities, and therefore an amalgamation of the two is seen as desirable. However, one might ask what the consequences of such a move would be for irregular immigrants. The civil and military raisons d’etre are often quite different, which may be problematic in terms of which rules to apply and how to manage the information that is assembled through the surveillance efforts. Other desired instruments to be used for border surveillance are in the eyes of the Commission satellites. As are Unmanned Aerial Vehicles (UAVs) (a.k.a drones), which are both quite controversial and normally used for security operations. UAVs were originally used for military purposes, and critics have expressed worry that they may negatively affect migrants’ human rights, such as the right to apply for asylum. The UAVs are moreover supposed to not only be used at the EU borders, but also beyond them so as to make the prevention of irregular immigration even more forceful. That being said, as the Commission itself acknowledges, this hinges on the relation with the relevant third countries: “UAVs and satellites can track a vessel in European and international waters. However, currently UAVs are not allowed to fly in civil airspace for legal and technological reasons. Extending their operation to coastal areas of third countries of departure would require appropriate agreements with those third countries. In this respect, the overall context of our relations with the third countries concerned will have to be taken into account” COM(2008)68, p. 8). Hence, the Commission clearly sees added value in using UAVs to supervise third country waters, but also recognizes that the third country must be in on it. In terms of grand strategy, the strategy of averting immigration could not be more apparent, as the overall agenda involves not only the

prevention of EU border crossings, but the prevention from even reaching the border and coming anywhere near having to deal with the immigrants on EU territory. The Commission moreover argued that one way to enable EU member states to carry out these surveillance and interception operations in the territorial waters of those countries in the Mediterranean and the North African Atlantic coast that function as countries of origin or transit for irregular migration, is to conclude regional agreements with these countries (SEC(2007)691, p. 7). Again, this underlines the weight the Commission’s has given to the surveillance of not only the borders of the EU, but surveillance beyond EU borders.

An aspect of surveillance that the Commission has advocated to a major extent is moreover the use of different information systems. These information systems enable users (often EU member states, the Commission and EU or national governmental agencies) to store and share certain information with one stated aim being to reduce irregular immigration (COM(2006)332, p. 14), they are hence clearly an instrument under the grand strategy of averting immigration. Six information systems are used for this purpose and are of recurring importance in the empirical material: the Schengen Information System, the Visa Information System, Eurodac, an Entry-Exit System and the European Border Surveillance System (Eurosur). The first one, which the Commission argues in favor of several times, is the Schengen Information System (SIS) (see e.g. COM(2006)332, p. 14). It has been operational since 1995, and connects the Schengen member states. They use it as a means to keep track of and send alerts concerning third country citizens that are to be refused entry into the member states. While there can be different reasons to refuse a person entry and hence register him/her into the system, one important reason is that s/he has breached national immigration laws. Hence, information on persons that have been presented a decision on deportation, removal, expulsion or prohibition of entry, i.e. persons that are now irregular immigrants, is entered into the SIS. Moreover, as a way of facilitating the entry into Schengen for the states that entered the Union in 2004 and to extend the kind of information allowed to be stored in the SIS, a second generation of it has been developed; the SIS II. This time also the right to register biometric data has been proposed (Commission 2003, p. 6).

The second information system that the Commission mentions is Eurodac, a database operational since 2003. It stores fingerprints from asylum-seekers, as well as irregular immigrants captured while crossing an

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external border, as long as the persons in question are aged 14 and above.\(^{87}\) Hence it facilitates the identification of irregular immigrants (and asylum-seekers) (COM(2006)332, p. 34). While its main purpose is to support the Dublin Regulation\(^{88}\) by making it possible to determine what EU member state that is responsible for an asylum application, the Commission wishes to broaden its use to be also more of a tool to reduce irregular immigration. It argues: “Furthermore, the Commission will explore, on the basis of further analysis and full impact assessment, the possibility to extend the scope of EURODAC with a view to use its data for law enforcement purposes and as a means to contribute to the fight against illegal immigration” COM(2007)299, p. 11, caps in original). The idea is hence for Eurodac to become more important in the grand strategy of averting immigration.

A third information system is the Visa Information System (VIS).\(^{89}\) Similar to the SIS, VIS connects the Schengen member states. Through the VIS, Schengen member states exchange data on visas issued or denied in any of the states. An important stated goal for this information exchange is to identify irregular immigrants, so as to be able to return them (SEC(2004)1349, p. 7).\(^{90}\) The Commission argues that

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\text{---} \quad \text{the VIS will be an important tool to curb illegal immigration by facilitating the exchange of data between Member States on visa applications and on the decisions relating thereto. With the use of biometrics, the VIS will allow more accurate checks at external border crossing points and within the territory of the Member States. Furthermore it will assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to and short stay on the territory of the Member States (SEC(2009)320, p. 9-10).}
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As seen in the quote, the Commission hopes that the VIS will be a significant instrument in its strategy to avert irregular immigration. Moreover, to be able to identify irregular immigrants, biometric data such as fingerprints and


\(^{88}\) The Dublin Regulation (Council Regulation (EC) No 343/2003) superseded the previous Dublin Convention. Both state that the first EU member state an asylum seeker enters is also the one responsible for considering his/her asylum application.

\(^{89}\) I have coded the VIS as being an instrument of surveillance, rather than coding it as being part of the Visa Policy frame, due to how the Commission argues around it. The Commission’s support of the VIS is centered on how well it would work to supervise the moves of immigrants with a visa, rather than arguing that Visa Policy is itself a solution to irregular immigration, which the Visa Policy frame is about.

\(^{90}\) Other goals are to reduce fraud, as well as to prevent so-called visa shopping (persons seeking asylum in more than one EU state) and facilitate the observance of the Dublin regulation, but also to “contribute to the prevention of threats to internal security” (COM(2006)332, p. 19).
facial image from the visa applicant, is stored in the visa database, something the Commission deems imperative for efficiency reasons (see also COM(2003)323, p. 4; SEC(2004)1349, p. 8). The VIS first became operational in 2011.91

An information system that became operational in late 2013 and that the Commission has suggested should become an important instrument in the fight against irregular immigration is EUROSUR. EUROSUR stands for a European Surveillance System for Borders, and was in 2011 established on a pilot basis.92 One main objective is according to the Commission to “detect, identify and intercept” irregular immigration and thus reducing the number of irregular immigrants entering EU territory, and also to prevent such cross-border crimes as trafficking in human beings, and to improve the ability to rescue irregular immigrants in danger at sea, for instance (COM(2008)68, p. 3). EUROSUR concerns border surveillance and is supposed to connect institutions such as Frontex, EU member states’ border guards, coast guards, police, customs, navy, but also neighboring countries. The information to be shared is direct border surveillance, such as satellite pictures and information collected through ships reporting systems.93 Hence, EUROSUR “(--(--) support(s) the Member States in reaching full situational awareness on the situation at their external borders” (COM(2008)68, p. 4). According to the Commission, EUROSUR is initially supposed to link existing land and maritime surveillance systems in the member states, but should at a later stage replace these systems with systems at the European level. Not least through the use of radar and satellite surveillance (COM(2006)733, p. 8). EUROSUR is, therefore, far-reaching when it comes to being a European surveillance tool for reducing irregular immigration. Though its aim includes enabling the rescue of migrants in distress at sea, the objective of detecting and intercepting irregular immigrants before entering EU territory still makes EUROSUR mainly a tool to avert immigration, though with an element of helping immigrants. When it comes to the last information system, the Entry/Exit system, this is not yet operational. Its purpose in the words of the Commission is to register automatically third country nationals when they enter or exit EU borders. This would to some extent enable the identification of so-called overstayers, i.e. immigrants whose status has become irregular after having remained too long on EU territory. When a person has stayed on and thus become an irregular immigrant, the system would provide national authorities with an alert (COM(2008)69, p. 7-8). With its purpose to

92 IP/11/1528, “EUROSUR: ‘connecting the dots’ in border surveillance, Brussels 12 December 2011
93 IP/11/1528, “EUROSUR: ‘connecting the dots’ in border surveillance, Brussels 12 December 2011

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capture overstayers, the Entry/Exit system is one that can be categorized as being part of a grand strategy of averting immigration.

In addition to having all these separate information systems, the Commission has expressed enthusiasm on increasing the interoperability between them. It has, for instance, argued that it would be advantageous with a technical integration of SIS II and VIS for economic reasons (COM(2003)323, p. 5). It has also claimed that internal security authorities should be able to obtain information from Eurodac, SIS II and VIS when seeking to prevent or investigate serious crimes, such as terrorism (COM(2005)597, p. 10). (Due to this development, one may raise the query of whether the same strict appliance will be able to continue or if the different purposes of the systems will become blurred. Interoperability would enable wider information sharing, but it may possibly also lead to a compromised observance of the initial reason for each information system.) This demonstrates not only that the Commission’s backs the idea of using information systems in the fight against irregular immigration, but also how it encourages an ongoing widening and deepening in the use of them. Information systems are thus a major instrument under the tool of averting immigration.

A further instrument for surveillance is the use of Immigration Liaison Officers (ILO) stationed in third countries. The ILOs, which are EU member state representatives, are there meant to contribute to the fight against irregular immigration by liaising with appropriate third country authorities, such as immigration authorities at airports and the border guard (COM(2002)564, p. 15; COM(2005)184, p. 10). There they gather information on irregular immigration trends in the country where s/he is stationed. The ILO can also help determine the identity of irregular immigrants and return them to their country of origin.94

If the surveillance measures above concentrate on trying to detect irregular immigrants, either by supervising larger irregular immigration trends or on discovering individual irregular immigrants when crossing a border, another kind is the one that seeks to supervise irregular immigrants once they have been apprehended, i.e. detention measures. As described above under the Return policy frame, the EU Return directive includes a part that permits the detention of captured irregular immigrants not willing to depart voluntarily from EU territory. This is the case both in the original Commission proposal as well as in the final directive, though the length of custody changed between proposal and directive. In the original Commission proposal, the time of custody was proposed to last a maximum of six months, and in the final directive the length of six months was made possible to be extended by another twelve months (i.e. in sum 18 months at the very

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longest). Despite the fact that the directive allows for the detention of persons that have not committed any crime, and are not suspected of having planned to either, the Commission has argued that the Return directive is humane in nature (COM(2002)564, p. 19-20; COM(2009)263, p. 7). The Commission has, however, been greatly challenged on this stance. Due to the detention section of the directive, it actually caused outrage among leaders in various Latin American countries on its release.\footnote{See e.g. http://www.euractiv.com/en/socialeurope/fighting-illegal-immigration-return-directive/article-174876, 27 April 2011.} According to the EUObserver, the president of Ecuador and at the time holder of the presidency of the Andean Community of Nations, Rafael Correa, argued that the Return directive jeopardized EU-Latin American relations and called it a move that criminalises immigrants and violates human rights.\footnote{http://euobserver.com/9/26374, 27 April 2011.} Either way, it is clear that detention is favored by the Commission for the sake of being able to control and limit the movements of the apprehended irregular immigrant, and therefore should be seen as part of the surveillance frame and of the grand strategy of averting immigration.

Combat Illegal Employment: Deterring Employers from Hiring Irregular Immigrants

Table 6.8 Presence of the Combat Illegal Employment Frame in the Documents

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Source: Author’s own data

To combat illegal employment is the Commission’s fourth most favored prognostic frame, encouraged in 24 of the 56 documents analyzed. It is one out of the relatively few frames that the Commission supports in all time periods, though its popularity varies across time. In contrast to the frames mentioned thus far, to combat illegal employment is most strongly advocated in the first time period, i.e. during the 1970s and 1980s. During these years, it is actually supported in all four documents that bring up the issue of irregular immigration. In the 1990s and in the first half of the 2000s its popularity dropped and left it among the least mentioned policy solutions. In the second half of the 2000s, however, it regained some of its former recognition and ended up being supported in 43% of the documents.
To combat illegal employment mainly falls under the grand strategy of averting immigration. The controls in the workplace and the employer sanctions advocated by the Commission are largely about stifling the irregular immigrants’ sources of income and thereby curbing the attractiveness of irregular immigration to Europe (see e.g. COM(94)23, p. 28-29; COM(2004)412, p. 18).

When the Commission in the 1970s and 1980s first started to discuss irregular immigration and how to handle it, it leaned firmly on labor market solutions. One very important side of this was the idea of combating illegal employment (the other was to extend workers’ rights to irregular immigrants, which is discussed below under the “Protection of Rights” frame). To combat illegal employment primarily involves two means to reach this goal: firstly, controls in the workplace and, secondly, employer sanctions. Both are thought to deter employers from hiring irregular immigrants to their workforce, and hence in the long run to curb the pull factors for irregular immigration to Europe. In 1974, the Commission for instance made the case that those who employed irregular immigrants should be penalized, by arguing in favor of: “(...) strong legal sanctions against exploiters of immigrant labour” (COM(74)2250, p. 21). This line of argument has remained with the Commission, though the weight given to it in the 1990s and early 2000s diminished (see e.g. COM(2003)323, p. 11). In the latter half of the 2000s, however, it gained new popularity (see e.g. COM(2008)359, p. 18; SEC(2008)2026, p. 29, 52). Moreover, in 2007, the Commission put forth a proposal on employer sanctions (COM(2007)249), and in 2009, a directive was agreed upon by the Council and the European Parliament.97 Employer sanctions require employers to check that the person they hire holds a proper visa and work permit. If the employers do not check this, or hire the irregular immigrant anyway, they will be imposed financial sanctions. In one communication from 1976, the Commission actually argued in favor of penalizing also the irregular immigrants for having taken up illegal employment (COM(76)331, p. 4), but that was the only time I found this line of reasoning.

As for controls in the workplace, the Commission has over the years argued that it is necessary for member states to perform local inspections at job sites to uncover irregular immigrants in employment (see e.g. COM(76)331, p. 3; COM(2008)359). Already in the 1970s, the Commission said that “For the purposes of preventing and detecting illegal migration and illegal employment, Member States shall organise adequate controls especially of employers and persons and undertakings supplying manpower to third parties” (COM(78)86, annex p. 5). Thirty years later, in the directive on

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employer sanctions, there is indeed also an article that stipulates that EU member states shall carry out workplace inspections, especially in those job sectors that tend to hire irregular immigrants. The Commission has moreover argued that it would be very valuable to incorporate trade unions and employer associations in these activities to ensure the effectiveness of the policy (COM(2008)359, p. 13). This is especially the case when the irregular immigrant in illegal employment is also a person who has been trafficked for the purpose of putting them under particularly exploitative working conditions: “Human trafficking for labour exploitation requires new types of specialisation and cooperation with partners, e.g. agencies responsible for the control of working conditions (---)” (COM(2005)514, p. 5). In this latter case, the grand strategy of the Combating illegal employment frame should not be seen as merely being about averting immigration, but to some extent also about helping irregular immigrants that are being exploited.

Financial Assistance to Third Countries: Money to Fight Poverty and to Build Border Control

Table 6.9 Presence of the Financial Assistance to Third Countries Frame in the Documents

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Source: Author’s own data

The next prognostic frame appears in 20 out of the 56 documents. To financially assist third countries as a means to address the issue of irregular immigration first was mentioned by the Commission in the 1990s (see COM(94)23, p. 19; COM(97)364, p. 6-7). It was then the second most mentioned prognostic frame (though this position was shared with three other frames). From the 1990s to the end of the 2000s, the proportion of documents in which it was advocated remained rather stable: from 40% in the 1990s, down somewhat to 33% in 2000-2004, and then back up again to 40% in 2005-2009. (Its ranking, however, dropped to some extent in the 2000-2004 to place seven, but then rose a little to number five). It has thus been of mid-importance from the 1990s onwards. I have categorized Financial assistance to third countries in the area of irregular immigration as being part of a grand strategy that mixes the goal of averting immigration with the

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aim of helping immigrants and poor third countries. It seeks to counter immigration by different incentives to third countries as well as by enhancing third countries’ border control capacities, which is mainly about averting immigration. At the same time, the Commission also argues in favor of addressing the root causes of irregular immigration, which means stressing the importance of development aid to fight poverty in sending countries. This, in contrast, should be seen mainly as being about helping (potential) irregular immigrants and third countries.

As just mentioned, the Commission in the 1990s started to express enthusiasm about incorporating third countries into the EU’s strategy to prevent irregular immigration (see e.g. COM(94)23, p. 19). The Commission has continued to argue in favor of incorporating the issue of irregular immigration, as well as other aspects of migration, into development aid and external relations (see e.g. COM(2008)359). “Migration issues should be fully integrated into the Union’s development cooperation and other external policies. The EU should work in close tandem with partner countries on opportunities for legal mobility, capacities for migration management, identification of migratory push factors, protecting fundamental rights, fighting illegal flows and enhancing possibilities to let migration work in service of development” (COM(2008)359, p. 9-10). Third countries of interest to the Commission have been both countries of origin, as well as transit countries bordering on EU territory (sometimes they overlap, in the sense that EU neighbors can also be countries of origin). The development of programmes for financial assistance to third countries quite resembles the financial instruments for solidarity between EU member states (mentioned in the sections of “Border control” and “Return Policy”); it starts with some initial ad hoc programmes, which are succeeded by increasingly formal instruments, often with a growing amount of money to spend. In the ad hoc category falls the Odysseus programme from 1998. Although it mainly concerned EU states, EU applicant countries were also to some extent considered useful recipients for the funding of projects that sought to prevent irregular immigration in various ways (COM(97)364, p. 6-7). After that, funding for third countries in the area of irregular immigration, came with the preparatory actions under the budget heading of “B7-667 – Cooperation with third countries in the field of Migration”, which lasted between the years 2001-2003. Under this budget heading, the prevention of irregular immigration was one of the stated main goals. According to the Commission, irregular immigration also in practice made up one of the major issues that the actual recipients had worked with (together with management of migratory flows, migrants’ reintegration in country of origin, the connection between migration and development as well as international protection). In total, projects in all these areas were funded €42.5 million (COM(2006)26, p. 6). Succeeding the budget heading of B7-667, was the AENEAS programme, which was meant to last 2004-2008, but ended one year earlier. It had a budget of € 250 mil-
lion (for four years), which clearly shows a big budget increase in the area (COM(2006)26, p. 5). Similar to its predecessor, the AENEAS programme covered migratory issues also other than irregular immigration. The focus of the projects financed in the area of irregular immigration sought to raise awareness about the consequences of irregular immigration, promote the establishment of third country policies to prevent irregular immigration and to encourage readmission and reintegration programmes (COM(2006)332, p.44-45). One can therefore argue that the intentions can be categorized both under the grand strategy of averting immigration and under the strategy of helping immigrants and third countries.99 When AENEAS was terminated followed instead the Thematic Programme on Migration and Asylum for the years 2007-2013 (COM(2005)491, p. 8; COM(2006)26, p. 5). Again, the Thematic programme covered the same issues as its forerunner AENEAS, but also grew to incorporate more, not least to cover more money. For the years 2007-2013, the estimated budget was around € 380 million (for seven years).100 The Thematic Programme is directly part of development aid. It is one of five thematic programmes under the Instrument for Development Cooperation (DCI), which are all covered by the EU budget.102 When scanning the budget of the DCI Thematic Programme on Migration and Asylum and its predecessors, it soon becomes clear that this is an area of growing importance for the EU in general, and by advocating it, also by the Commission:

99 As regards specific projects that were funded under the AENEAS programme, one can for instance mention that Greece was funded for a project that sought to enhance return and readmission conditions with Albania. Italy was funded for a project with the objective of “enhancing cooperation between Libya and Niger in border control and fight against illegal migration” (COM(2006)26, p. 15). Not only countries were recipients, but also different types of organizations. For example, IOM, an intergovernmental organization for migration, received funding for several migration projects. One of them being to “strengthen Libya’s capacities to address illegal transit immigration in a humane and orderly manner” (COM(2006)26, p. 16).


102 The other four DCI programmes being ”Food Security”, ”Investing in People”, “Non-state actors and local authorities” and “The environment and natural resources”.

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The budget for this theme has progressively risen over the last ten years, which demonstrates the increasing weight given to the topic. As for the usage of the development aid provided by the DCI thematic programme on Migration and Asylum, it is stated by the Commission what countries that should be prioritized: “(…) the subject of the thematic programme is primarily, although not exclusively, migration to the European Union (south/north and east/west). In this connection, the regions of emigration and transit towards the European Union should be considered in the first place while appropriate attention may also be given to emerging regional or interregional initiatives related to migration as well as to the most relevant south/south migratory flows” (COM(2006)26, p. 9). This idea is also stated in the regula-
tion that established the thematic programme later the same year. What the statement shows is that the countries prioritized to receive development aid in this area are those with large amounts of migration to the EU, not those who have migratory routes elsewhere or those who are themselves receiving countries in the poor part of the world (so-called south/south migration). An external evaluation, financed by the EU, has criticized this as being a shortcoming that should be altered. Due to this expressed will of the Commission and the wording in the regulation, it should come as no surprise that the lion’s share of development aid under DCI during 2007-2010, more specifically € 70 million, was budgeted to go to countries along the Southern migratory route, meaning basically Northern and Sub-Saharan Africa. However, the Commission also stresses the importance of working with migration issues from perspectives other than the prevention of irregular immigration. One such perspective sees the link between immigration and development as being one where immigration can spur development rather than allocating development aid to prevent immigration (COM(2006)26, p. 9-10). This is probably an impact of the so-called Global Approach to Migration from 2005, where this link was stressed with some vigor. As for the importance of attending to other forms of migration compared to addressing irregular immigration, the Commission still maintains that “Preventing the unauthorised entry of migrants remains essential. Consequently, the control of migration remains a strategic priority in the medium-term” (COM(2006)26, p. 11). Thus the Commission still seems to consider irregular immigration and the need to control it, a main concern. As one might expect then, the projects funded thus far under the Thematic programme have somewhat prioritized those focusing on irregular immigration, which have received the largest share of the funding (31%). In the external evaluation, it was concluded that projects geared towards the prevention of irregular immigration were the largest recipients (though other kinds of migration were close behind), while a human rights focus should be enhanced in projects financed. 


107 Projects on irregular immigration were 31%. Close behind came projects on Migration and Development on 28%, while projects on protection were significantly fewer. The evaluation also concluded that the third countries involved in the projects had been very cooperative, even though some found the overall EU policy on irregular immigration repressive: “While at the political and strategic level, Third Countries’ governments might not agree with European policies on irregular migration, which many judge to be too restrictive, their cooperation at
While the Thematic programme counts as development aid, its objective is different from traditional development aid. Indeed, as stated by the Commission, the Thematic Programme is not to be used for tackling poverty or similar reasons that may cause people to emigrate. “Per se, this programme will not finance operations designed directly to address the root causes of migration (conflicts, poverty, bad governance, etc.)” (COM(2006)26 p. 8). In this sense, it is rather different from what most people intuitively probably think of when hearing the word “development aid”. This is moreover underlined when browsing the list of the United Nations’ Millennium Development Goals, where migration is not mentioned at all.\(^\text{108}\) To have migration issues as such a significant part of development aid as the EU has and as the Commission has supported, is therefore quite noteworthy. This picture is again reinforced when examining what dimensions of irregular immigration that the Commission argues that the Thematic programme should finance (and that later found their way into the regulation):

– Fight against smuggling of and trafficking in human beings;  
– Information aiming at discouraging illegal immigration and at raising awareness about the risks related to it;  
– Prevention and fight against illegal immigration (including through improving capacities in the areas of border; visa and passport management, including the security of documents and possibly the introduction of biometric data; and detection of forged documents);  
– Implementation of readmission agreements concluded with the Community, including social and professional reintegration of returnees with the aim of making their return sustainable;  
– Assisting third countries in the management of illegal immigration (assisting them in the negotiation and implementation of their own readmission agreements or arrangements with other third countries, which may include ensuring adequate humanitarian conditions in centres where illegal immigrants are accommodated before their repatriation, supporting their voluntary return and sustainable reintegration in their country of origin) (COM(2006)26, p. 11-12).\(^\text{109}\)

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\(^\text{109}\) The wording in the regulation is: “(F)ighting illegal immigration and facilitating the readmission of illegal immigrants, including between third countries, and in particular, fighting the smuggling of and trafficking in human beings; discouraging illegal immigration and raising awareness of the risks related to it; improving capacities in the areas of border, visa and passport management, including the security of documents and the introduction of biometric data, and detection of forged documents; implementing effectively readmission agreements

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As can be seen, the emphasis is on readmission and enhanced border management in the third country, which is not traditionally something that development aid has focused on. All of these should probably be considered as being primarily to fulfill the interest of the EU. All in all, the way that the Commission envisions the aid and how it in practice is provided suggests that it in this area is more for the sake of the EU than in the receiving country’s interest. Consequently, this kind of development aid can be characterized as being an instrument in the EU’s fight against unwanted, primarily irregular, immigration. This means that it is not so much about preventing that a need to emigrate to the EU irregularly transpires, but more about preventing that irregular immigrants reach EU territory or remain there. The grand strategy is thus far mostly about averting immigration, but to some extent also about helping.

In addition to the development aid channeled through the Thematic programme on Migration and Asylum, development aid in the area of regular and irregular immigration also reaches third countries through geographical programmes. These are, firstly, the European Development Fund (EDF), which is based on the Cotonou Agreement and provides assistance to African, Caribbean and Pacific (ACP) countries. Secondly, there is the Development Cooperation Instrument (DCI) for Latin America, Asia and South Africa and thirdly, there is the European Neighbourhood & Partnership Instrument (ENPI) for countries in the European neighborhood. How development aid should be spent is negotiated with each receiving country or region, and subsequently specified in strategy papers stating what topics must be concluded with the Community and obligations arising out of international agreements; and assisting third countries in the management of illegal immigration and in the coordination of their policies” (REGULATION (EC) No 1905/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 establishing a financing instrument for development cooperation, Art. 16).

110 On the other hand, one interview respondent explained that due to development support for border management being a comparatively recent approach, it had had some difficulties in getting ahead on the ground. Those officials in the delegations that were working with identifying projects that should receive EU support, were often classical development aid experts, meaning that projects supported in the end still largely were of the traditional kind, namely fight against poverty, etc. This could suggest that the progress made towards the EU’s more restrictive policy practice against irregular immigration still is somewhat hampered on the ground. Then again, the same respondent also explicated that the Commission made efforts through seminars and workshops to educate delegations that there are indeed possibilities to fund non-traditional projects, such as those focusing on border control and law enforcement (Commission official 3 in DG of the Relex family, personal interview in Brussels, 2007-05-21).


112 The countries of the European Neighbourhood are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Russia, Syria, Tunisia and Ukraine.
ey should be spent on and financial means available. Irregular immigration seems to be an issue most notably in the EDF and the ENPI. The ENPI also had its predecessors in the form of the EU funding programmes of MEDA (in the Mediterranean) and TACIS (in Eastern Europe), but ENPI took over from 2006. The budget of TACIS and MEDA was during the years 2000-2006 € 450 million. According to the Commission, this money was to be spent on migration issues, not least irregular immigration:

If one refers to the geographical instruments such as TACIS and MEDA, approximately € 450 million were programmed for the period 2002-2006, with a view to financing actions directly related to migration, mainly in the Balkans, in the Mediterranean and in Eastern Europe. The main intervention sectors concerned the strengthening of the institutional capacities, the improvement of border control, the fight against illegal immigration and trafficking in human beings, the return and reintegration of refugees and displaced persons, the improvement of reception policies and facilities for asylum applicants and refugees (COM(2006)26, p. 6).

The main focus of TACIS and MEDA seems to have been border management, return of migrants, fighting irregular immigration, but also improving the asylum-seeking process. To be sure, a great deal of effort has been made in the area of irregular immigration and border management, for example through the training of police to fight irregular immigration, training of border guards, etc. The Commission has also suggested increased cooperation between ports to share information on suspect boats (COM(2002)703, p. 18-19). Under the MEDA, Morocco was notably granted €67 million to prevent irregular immigration across its borders (SEC(2009)320, p. 22). Border management seems to be one of the core themes of EU development aid to third countries under the heading of migration, even though it is not the sole aim but is accompanied with some money to improve aspects such as migrants’ rights, reception of migrants etc. (see e.g. COM(2005)491, p. 6; for the ENP: COM(2006)735, p. 6). Indeed, the Commission expresses the view that border control is vital in the cooperation with third countries: “Therefore, reinforced cooperation with neighbouring countries regarding the control of their borders and repatriation of the intercepted persons, with technical and financial assistance from the European Union and its Member States would be the most efficient way to combat this phenomenon [illegal immigration by sea]” (SEC(2007)691, p. 7, my square brackets). This clearly

shows the significance given to issues of migration and irregular immigration in financial assistance to third countries.

A further way of linking development aid to irregular immigration, which is promoted by the Commission (COM(2001)672, p. 25), has been to incorporate readmission clauses into agreements that concern aid for poverty reduction purposes, which has been made in the Cotonou agreement (as already mentioned in the section on the “Return Policy” frame). This way the state that has signed the agreement to benefit from development aid and economic and trade cooperation must also agree to readmit any of its citizens that is caught with an irregular status on EU territory. Hence, if the state signs up for development aid, it also agrees to do something in return in the area of irregular immigration.

Even though the Thematic programme had as a specific instruction not to address the root causes of immigration, there are parts of the EU’s channeling of development aid that has. The Commission already in the 1990s reasoned that there was a need to address what it called “the root causes” of immigration pressure, including irregular immigration, and that one way of doing this was to use development cooperation to achieve economic growth in third world countries in the long run (as part of a comprehensive approach to migration) (COM(94)23, p. ii). Nevertheless, it was during the 2000s that the Commission really commenced to argue with more emphasis in favor of addressing root causes of immigration, or push factors as it sometimes also called it, through development aid (see e.g. SEC(2003)815, p. 4; COM(2005)390, p. 12; COM(2006)735, p. 5; SEC(2008)2026, p. 32). Thus, poverty reduction has been stressed (COM(2002)703, p. 21), as has to fulfill the other Millennium Development Goals of the UN (COM(2005)621, p. 4) and job creation in third world countries (COM(2006)735, p. 5). Four quotes from the years 2003-2006 that illustrate the Commission’s endorsement of tackling root causes are the following:

Closer relationships with countries of origin should *inter alia* ensure that the root causes of illegal immigration are addressed and that EU immigration policy is designed so as to support development objectives (---) (COM(2003)336, p. 34, italics in original).

Illegal immigration is set to continue, confronting the EU with the need to elaborate a comprehensive approach. It must address not only issues such as admission and reception, but also the root causes of immigration and its impact on countries of origin and transit (COM(2005)491, p. 4).

An essential component of EU migration management is **partnership with third countries** with a view to ensuring coherence between internal and external action. In addition to cooperation with the immediate aim of reducing and preventing illegal immigration, this also encompasses measures to help
countries of origin address the root causes and push-factors of irregular migration flows. Illegal immigration is a complex phenomenon that must be tackled in all its dimensions (COM(2006)402, p. 3, bold in original).

As a long-term perspective, push-factors for (illegal) immigration in countries of origin need to be remedied through development cooperation (SEC(2006)964, p. 12-13, parenthesis in original).

In these quotes, the Commission argues that dealing with the root causes of immigration is a necessity to counter irregular immigration and that the EU’s policy on irregular immigration is not comprehensive without it. To measure how much money the EU spends on the root causes of migration is, however, impossible. Since development aid aimed at countering poverty and the like only to a very limited extent exists in order to counter the push factors of irregular immigration (or other forms of migration), one cannot calculate any amount that primarily is present for migration reasons. This may in turn lead to the conclusion that it is easy for the Commission to talk about the root causes since they do not have to do anything extra, since development policy is there anyway. I am nevertheless reluctant to make that conclusion. Since there is indeed development aid in place and money is spent on it, it should not be considered empty words. I would argue that the instrument of addressing root causes mainly falls under the grand strategy of helping third countries and would-be irregular immigrants, by providing the opportunity to build a life in the home country, which probably is what many immigrants would prefer anyway. One may on the other hand to a certain extent also argue that fighting root causes of migration indirectly carries with it a limited view of migration as somewhat unwelcome – otherwise why try stopping it? This view seems to me, however, quite far-fetched, and root causes should above all be seen as being part of a grand strategy of helping.

In all, providing financial assistance to third countries as a solution to irregular immigration should be seen as part of mixed grand strategies. A significant amount is no doubt about preventing immigration, which is seen through the weight given to issues of border management and irregular immigration and the large amount of money invested in the area. From that perspective, development aid is a forceful tool to make third countries fulfill the EU’s policy on irregular immigration. However, since the Commission is also stressing the fight against poverty, i.e. the root causes of migration, financial assistance to third countries should also be seen as being part of a grand strategy of trying to help poor countries and irregular immigrants (in the sense of providing them opportunities of development in their countries of origin). Both of the grand strategies demonstrate that development policy has become increasingly close tied to immigration policy for the EU.
Information Exchange between EU Member States: Sharing Best Practices and Early Warnings

Table 6.11 Presence of the Information Exchange between EU Member States Frame in the Documents

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Source: Author’s own data

Throughout the little more than 35 years that have been studied for this dissertation, the Commission has pointed out that there is a need for the EU member states to exchange information on various dimensions of irregular immigration. In all, 32% of the documents (i.e. 18 documents) bring up this prognostic frame. During the 1970s and 1980s, it was mentioned in one document, which equals 25% of the documents on irregular immigration for that time period. In the 1990s, the frame was supported roughly to the same extent, 20%, but in the first half of the 2000s, something happened and the frame became more popular and got supported in 50% of the documents. After that, between the years 2005-2009, the Commission argued in favor of information exchange somewhat less but still to a sizeable extent, in 29% of the documents. The grand strategy that the prognostic frame of Information exchange between EU member states is part of is one that primarily, but not exclusively, seeks to avert immigration. Though the nature of the information exchange has somewhat changed over the years, most of them have as a goal to ensure that irregular immigrants are not entering or remaining on member states’ territory.

Among the instruments of information exchange that is first and foremost about averting immigration, there are two kinds, one that expresses the will to exchange best practices and one that argues in favor of early warning mechanisms between EU member states. The exchange of best practices is stressed by the Commission in the 2000s. One example is the following: “The exchange of best practices is another important tool of operational co-operation. (---) A handbook of best practices on return and readmission should be developed, which contains guidelines for better performance based on best practices in Member States. The first edition should focus on obtaining return travel documents” (COM(2002)564, p. 12). The argument is here thus that information exchange on best practices would facilitate successful repatriations of irregular immigrants. It has also been argued that best practices in the area of employment of irregular immigrants should be shared: “The fight against illegal immigration must be stepped up by supporting the practical cooperation identified in a 2007 Staff Working
Document and the exchange of best practices at EU level with regard to the illegal employment of third-country nationals” (SEC(2009)766, p. 23). As both of the quotes show, information exchange on best practices has the overall goal of sharing successful methods of averting irregular immigration. Further, as regards the circulation of early warnings among EU member states, the Commission in 1994, made the case that it is of great importance to be able to “forecast major migratory movements” if the member states are to be capable of deciding what actions that are the best (COM(94)23, p. 12). It moreover said that: “Combating illegal immigration requires preventive action before the people concerned reach the Union. Work is under way within the framework of the Council in regard to exchange of information on routes and traffickers, but needs to be made more systematic” (COM(94)23, p. 28). Information exchange and mechanisms for early warning were thus deemed of weight for the prevention of irregular immigration into the EU. This view of the Commission has remained intact over the years. The Commission has argued in favor of the work carried out by the CIREFI group and claimed that the kind of cooperation and information exchange that take place there should be strengthened (COM(2001)672, p. 15).

The CIREFI stands for Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration, and was a Council working group in which experts from the member states regularly met to exchange data on trends of irregular immigration in the countries (today its tasks have been transferred mainly to Frontex). The Commission has on various occasions claimed that the exchange taken place there is of a certain value, though it could be improved (SEC(2009)320, p. 24; COM(2004)412, p. 16). For instance, the use of up-to-date technology could support information exchange and early warning, the Commission has argued (COM(2001)672, p. 3). A prominent such example is the ICONet, which links together EU member states (as well as Frontex and liaison officers abroad) and is a tool to send early warnings regarding irregular immigration trends. It does not contain personal data, but rather information on migration routes, unlawful entry and return of irregular migrants. The Commission often refers to it and wishes to further invest in it. The ICONet is repeatedly mentioned as being or becoming a useful tool for delivering early warnings on migration flows around EU states and to increase cooperation on repatriations (see e.g. (COM(2003)323, p. 11); SEC(2004)1349, p. 16; COM(2004)412, p. 16; COM(2006)402, p. 11; SEC(2006)964, p.16). The Commission has moreover concluded that the ICONet has indeed been a helpful tool in preventing irregular immigration and repatriation: “The web-

based Information and Coordination Network for Member States’ Migration Management Services (ICONet), established in March 2005, has been used increasingly and is of proven value in particular in the field of return and in border-related issues” (SEC(2009)320, p 23). The use of CIREFI and ICONet are both about trying to make the EU member states updated on trends in irregular immigration so as to prevent their entering into EU territory, and hence about averting immigration.

Equally much about data collection in the area of irregular immigration, and disseminating it among EU member states, is the idea of creating a European Migration Observatory, something the Commission has suggested a number of times (see e.g. COM(2001)672, p. 4). The Migration Observatory is supposed to be “(…) exchanging and following up information relating to the political, economic, demographic and social dimensions of migratory phenomena. The network will cooperate with the European Monitoring Centre on Racism and Xenophobia” (COM(2002)703, p. 36). The idea underpinning the Observatory thus seems quite different from the logic of CIREFI and ICONet. Whereas the latter ones are supposed to share information to prevent immigration, the Migration Observatory that is linked to the European Monitoring Centre on Racism and Xenophobia (which has today grown into the Fundamental Rights Agency), does not have as a goal to prevent immigration, but rather to evaluate the results of the EU immigration policy and to understand the “migratory phenomena” (see COM(2002)703, p. 36). Sharing information on the political, economic, demographic and social dimensions of immigration is also much wider than following primarily the trends on irregular immigration routes and captures. The grand strategy of the Migration Observatory is therefore not about averting immigration. It is more about knowledge building, without a predetermined purpose, which makes it a little difficult to identify one clear grand strategy, apart from knowledge building.

A further type of information exchange that the Commission would like to see more of is the circulation of information on member states’ national regularization programmes. This became an issue in the 2000s, particularly in the latter half. In a communication from 2004, the Commission reflects on possible advantages and drawbacks of regularization programmes. A benefit would be that people would not have to remain in the irregular situation endlessly, which according to the Commission is highly undesirable. On the other hand, it also argues that regularization programmes do not necessarily lessen irregular immigration in the long run since it may function as a pull factor for more immigrants. Moreover, it sees regularization programmes as problematical since the measures taken in one member state also affect the other member states when there are no internal borders. The Commission finally reaches the conclusion that regularization programs should be avoided as far as possible, and only used in very special cases. In addition, it reasons that if one member state wishes to execute a regulariza-
tion programme, prior to it, it should provide this information to the other member states along with information on what category of irregular immigrants that are covered and how many they are (COM(2004)412, p. 17). In another document, however, the Commission seems to be more clearly against regularization programmes: “Indiscriminate largescale mass regularisations of immigrants in an illegal situation do not constitute a lasting and effective tool for migration management and should be prevented” (COM(2008)359, p. 11, italics in original) and “Indiscriminate large-scale regularisations of illegally staying persons should be avoided, while leaving open the possibility for individual regularisations based on fair and transparent criteria” (COM(2008)359, p. 14, bold in original). The Commission still maintains that member states should share information on regularization programmes, should they use them (COM(2008)359, p. 14). This wish reappears in several documents throughout the 2000s (COM(2006)735, p. 8; COM(2006)331, p. 7; COM(2007)780, p. 11; COM(2009)262, p. 26-27). It may not be immediately obvious which grand strategy that information exchange on regularization programmes should be categorized as. The reason for sharing the information is, however, tied to the view of regularization programmes as being problematical and affecting other member states, and there otherwise would probably not be a need to advocate this information sharing. Only if the other member states can be assumed not to want the regularizing member state’s former irregular immigrants, is there a need to inform about these measures. Consequently, it is fair to claim the grand strategy as being first and foremost about averting immigration.

Fight Human Trafficking

Table 6.12 Presence of the Fight Human Trafficking Frame in the Documents

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Source: Author’s own data

The need to fight trafficking in human beings as part of the policy towards irregular immigration is something that the Commission has stressed since the 1990s, when it was mentioned in 20% of the documents. In the first half of the 2000s, the issue of trafficking rose higher on the agenda and the prognostic frame of fighting it ascended to being mentioned in 42% of the documents, after which it again dropped somewhat in the latter half of the 2000s, to 31%. In all, it is supported in 17 of the studied documents (i.e. 30%). The grand strategy that this prognostic frame can be categorized as, is a mix between averting immigration and helping immigrants. The former because
one of the underlying ideas of fighting trafficking is to prevent irregular immigrants from reaching EU territory, the latter because the fight against trafficking in human beings is also designed to avoid that irregular immigrants get brutally exploited by traffickers.

As just stated, the fight against trafficking in human beings as a significant part of the policy on irregular immigration is something the Commission has described repeatedly over the years (COM(2000)757, p. 16; COM(2004)401, p. 10; SEC(2006)964, p. 3; COM(2006)733, p. 10; COM(2007)247, p. 14; COM(2008)359, 12-13). Oftentimes human trafficking is discussed as being part also of the fight against organized crime, one example being when the Commission states that “Human trafficking is a serious crime against persons, which must be addressed as a form of organized crime linked to other serious offences and as a clear law enforcement priority” (COM(2005)514, p. 4). Frequently the Commission also links human trafficking to human smuggling, (which is different from trafficking in that the irregular immigrant is not necessarily an exploited victim), and expresses the wish to target also smuggling (SEC(2004)1349, p. 13; COM(2005)184, p. 10; SEC(2008)2026, p. 29). Whereas the grand strategy behind the fight against human trafficking is a mix of averting immigration and helping immigrants, the fight against human smuggling is probably more clearly about averting immigration. The element of helping is there not present to the same extent, since there is not necessarily any victims in the case of smuggling (though there can be, e.g. persons having suffered an exhausting and perilous boat journey to Europe from Africa). A quote that quite well at brief length sums up the Commission’s dedication to the fight against human trafficking is the following: “Combating migrant smuggling and trafficking in human beings is a central part of the fight against illegal immigration and reinforces the protection of human rights” (SEC(2008)2026, 52). This shows that the Commission sees the fight against trafficking as central to the larger fight against irregular immigration, and that both need to be prevented. Furthermore, it also confirms that the fight against trafficking is not merely about preventing irregular immigration, but is equally about helping victims and the protection of human rights, which are violated under trafficking. Hence, it quite clearly demonstrates that the underlying grand strategy is a mix between averting immigration and helping immigrants.

dress root causes of trafficking and to pursue the traffickers by establishing penalties on them across the EU (see COM(96)567, p. 14, 23-24). (A further means that has been mentioned is to offer a temporary residence permit for victims who witness against their traffickers, but this is instead discussed under the prognostic frame of “Take Care of Victims of exploitation”.)

More Legal Ways into the EU

Table 6.13 Presence of the More Legal Ways into the EU Frame in the documents

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Source: Author’s own data

The prognostic frame of More Legal Ways into the EU is a frame that proposes more legal immigration as an alternative to irregular immigration. During the 1970s and 1980s, the Commission did not bring up the issue of establishing more legal ways into the EU. In the 1990s, it was first mentioned, but only to a limited extent, (in 20% of the documents). The big break instead came in the first half of the 2000s, when the Commission started to recommend it as a desirable solution to irregular immigration. It was during 2000-2004 mentioned in 42% of the documents. However, in the latter half of the 2000s, the More Legal Ways into the EU frame declined some in popularity again, and was supported in 26% of the documents. In all, the Commission argued in favor of more legal ways into the EU in 15 of the studied 56 documents. The grand strategy that it is in accordance with is one that primarily wishes to Open up to legal immigration, and thus render irregular immigration unnecessary. To a lesser extent it also contains some elements of averting irregular immigrants.

There are three main components of the More Legal Ways frame. The first one argues that there should be more roads for legal immigration, including permanent migration. The second one wishes to open up for more temporary immigration to the EU, whereas the third claims that the EU should offer more legal paths to the EU in return to countries that step up their own policies against irregular immigration.

When it comes to the support of more possibilities for persons to legally migrate to the EU, the Commission has argued that it is a necessity if one does not want irregular immigration to grow: “(…) unless a more open approach is taken to legal immigration, the EU may be faced with increasing pressures, running the risk of increased illegal immigration” (COM(2003)336, p. 15). It has suggested that there are needs in the labor market that could be satisfied by allowing more legal immigration, not only
the temporary kind, but also permanent immigration (see e.g. COM(2003)323, p. 11; COM(2005)621, p. 7; COM(2006)402, p. 3; COM(2007)780, p. 7). One way that the Commission has formulated this idea is this: “When properly managed, legal immigration can contribute to labour market needs and provide a real alternative to illegal immigration and the informal economy” (COM(2007)780, p. 11). The Commission here clearly states that labor immigration should be used as a way to handle the issue of irregular immigration.\(^{115}\) In addition to immigration for labor purposes, the Commission has also called attention to another group that should not have to resolve to irregular immigration to enter the EU, namely refugees. In 2001, it said: “Member States should, therefore, explore possibilities of offering rapid access to protection so that refugees do not need to resort to illegal immigration or people smugglers” (COM(2001)672, p. 8). What this means is that the Commission wants to have more ways for fast legal entries for refugees in need of protection, otherwise these persons will have to use the same irregular roads as other irregular immigrants. This is also one of the rare occasions when the Commission expresses understanding for the fact that some irregular immigrants are persons that could have the right to remain in the EU as refugees.

In addition to this legal immigration, which is possibly of the more permanent kind, the Commission has moreover repeatedly put forth the idea of offering a temporary work permit, something later termed circular migration. To allow temporary labor immigration was brought up by the Commission in the 1990s for the first time (COM(94)23, p. 17). One reason the Commission sees temporary labor immigration as a solution to irregular immigration is that it would reduce the pull factors for an irregular stay but still allow interested immigrants to come to the EU to earn money (see e.g. COM(2002)703, p. 23; COM(2003)336, p. 34; COM(2005)669, p. 7; COM(2007)248, p. 8). Nevertheless, it wishes by definition, under this umbrella, to avoid permanent immigration (COM(2007)248, p. 8).

In the cases mentioned thus far, the basic idea is for legal ways into the EU, whether on permanent or temporary basis, to become more common and consequently make potential irregular immigrants choose the legal path instead. The grand strategy is hence about Opening up to legal immigration. In contrast to grand strategies of averting or helping irregular immigrants, the grand strategy of Opening up is not so much about addressing the presence of irregular immigrants per se, but rather about providing a preferable alternative. In that sense it is also quite different from the other grand strategies mentioned thus far.

\(^{115}\) There is in the EU since 2009 a “blue card” for high-skilled migrants, which facilitates the legal migration to the EU for this group of workers, see Council directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.
A third component of the More Legal Ways into the EU frame is one where the Commission expresses a willingness to offer more legal paths into the EU to a third country’s citizens in exchange for that country’s strong engagement in the fight against irregular immigration. For instance, if a certain country agrees to cooperate with the EU against irregular immigration and to readmit irregular immigrants, then the EU could present that country’s citizens with better access to EU territory (COM(2006)735, p. 7; COM(2007)248, p. 2). Hence, the idea is to open up for legal immigration, but only to those persons that are citizens to a country of interest to the EU. Depending on what country that is in question, the effect for actual irregular immigrants varies. If the country is indeed a major country of origin for irregular immigrants, then the effect may be of importance for potential irregular immigrants who could then migrate legally instead. If the country is more of a transit country the effect for irregular immigrants is not one where more legal channels are opened up, but instead one that means they will be fought harder (since the country agreed to step up policies against irregular immigration). A major example of this set-up is the so-called mobility partnerships. In its communications on mobility partnerships, the Commission stresses that some third countries could be given easier access to the EU for its citizens, for example through short term visas, visa facilitation and for seasonal labor (COM(2007)247, 8; COM(2007)248, p. 3, 7). In return, however, the partnership countries must agree to cooperate with the EU to fight irregular immigration in a number of ways; readmit their own and other countries’ citizens/transit migrants, reintegrate of returning migrants, discourage irregular immigration to the EU through information campaigns, improve border control, enhance security of travel documents, combat immigrant smuggling, etc. (COM(2007)248, p. 3-5). Thus, the legal immigration path to the EU is in this case strongly conditionalized. If one studies the actual mobility partnerships that have since been signed, the emphasis on fighting irregular immigration and aspects of migration management other than legal ways into the EU is reinforced. Mobility partnerships have at present (2014) been concluded with Moldova (2008), Cape Verde (2008), Georgia (2009), Armenia (2011), Morocco (2013) and Azerbaijan (2013). The partnerships are signed between the third country and interested EU member states. Each partnership consists of a number of projects to be carried out between the third country and the EU members in question. In the partnerships signed thus far, projects have included very little in the way of access to EU territory, and have instead almost exclusively focused on enhancing the third countries’ migration management capacities and on fighting irregular immigration. The grand strategy of this third component of the More Legal Ways into the EU frame is therefore a mix between Averting immigration and Opening up to legal migration.
Take Care of Victims: (Often Conditionalized) Aid to the Vulnerable

Table 6.14 Presence of the Take care of victims frame in the documents

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Source: Author’s own data

The prognostic frame of Taking care of victims appears for the first time in the 1990s, when policy instruments that can be categorized as being about assisting victims were mentioned in 40% of the documents. In the first and second half of the 2000s, the Taking care of victims frame remained on the Commission agenda, though less extensively, and was mentioned in 25% and 26% of the documents respectively. It hence seems as if the policy is not unimportant to the Commission (especially in the 1990s), but neither very central. In total, the frame appears in 14 of the 56 studied documents (i.e. 25%). When it comes to the grand strategy that underpins this frame, it is mainly about helping, but also involves to quite a considerable extent an element of seeking to avert immigration, and to a limited extent also to provide rights to irregular immigrants.

The first thing to be noted about the Take care of victims frame is that it is very often concerned with victims of trafficking, which in the majority of cases are considered to be women and often also children (COM(94)23, p. 22; COM(96)567, p. 14-19; COM(2001)672, p. 22; COM(2005)514, p. 8-10; COM(2006)402, p. 7; SEC(2008)2026, p. 29; COM(2008)359, p. 13). In a few instances the victims to take care of are also people in distress at sea (SEC(2007)691, p. 3-4) and victims of exploitation in the workplace (COM(2007)249, p. 10) as well as victims of people smuggling (which is different from trafficking) (COM(2003)323, p. 10). When it comes to the first-mentioned group, victims of trafficking, the Commission has proposed several different policy instruments to assist them. Some suggestions are to enhance the police’ understanding of crimes against women (COM(96)567, p. 14-16), to establish reception and rehabilitation centres for trafficked women, social programmes for trafficked women (COM(96)567, p. 18-19116; SEC(2008)2026, p. 52-53); fund projects that address the links between trafficking and violence against vulnerable groups such as women and children (COM(2005)514, p. 8)117; and to establish minimum standards for dealing with victims of trafficking (COM(2005)514, p. 10). Other in-

116 Within the EU Integra programme.
117 Within the DAPHNE programme.
struments to assist victims of trafficking is to ensure that they are compensated for their suffering, provided immunity from prosecution, and to smooth their reintegration into society, be it in the country of origin or in the host country (COM(2008)359, p. 13; COM(2009)262, p. 26). A quote that captures the Commission’s stance on aid to victims of trafficking is the following, where it mentions both reintegration and the need to focus especially on women and children and states that the EU and the member states ought to “Protect and assist victims of human trafficking, in particular women and children by assessing and reviewing the existing common regime; continue developing legal and operational possibilities to facilitate victims’ recovery and reintegration in the host or home society, including by means of specifically targeted programmes” (COM(2008)359, p. 13). In 2008, the Commission furthermore expressed that assistance to rehabilitate victims of trafficking should be given to all victims, “regardless of their interest in the criminal justice process” (SEC(2008)2026, p. 53). This is noteworthy since it means that the Commission does not expect any services in return, which is far from always the case.

The one instrument recurring the most times as a means to take care of victims, from the 1990s to the late 2000s, is to provide victims with some kind of residence permit (COM(94)23, p. 22; COM(2002)71, p. 5; COM(2003)323, p. 10; COM(2009)262, p. 20). In the early 1990s, the Commission reflected over whether it would perhaps be appropriate to allow victims of trafficking admission to the EU based on humanitarian grounds, though on an individual case-by-case basis (COM(94)23, p. 22). In the 2000s, the Commission instead started to talk about the possibility to offer a temporary residence permit on the condition that the victim of trafficking or smuggling would help EU authorities to capture the traffickers or smugglers (COM(2001)672, p. 22; COM(2002)71, p. 5; COM(2003)323, p. 10). Interesting to note is that the residence permit is conditionalized on the victims’ dedication to assist in the EU authorities’ pursuit of traffickers and smugglers. This means that the assistance that the Commission wishes to provide the victims with is not primarily based on human rights, but on the willingness of the victims to support the EU’s interest in averting organized irregular immigration networks. In 2004, the Council adopted a directive with this content, which the Commission later claimed was successful in the sense

\footnote{In 2011, the Council and the European Parliament adopted a directive which settled for instance a number of support measures to be provided to victims of trafficking, including accommodation, medical treatment, legal counseling during criminal proceedings, and compensation for suffering a violent crime. The directive also set minimum rules for penalties of traffickers. (Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA).}

\footnote{Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the sub-}
that “More victims [are] testifying against suspected criminals” and that there is now a “Reduced organised crime participation in illegal migration and human trafficking” (COM(2006)332, p. 79). As for victims of exploitation in the workplace, the Commission has suggested that the kind of temporary stay that is available to victims of trafficking should also apply to them. Their repatriation should moreover be delayed until they have been paid for the work they have carried out (COM(2007)249, p. 10).

The Commission has furthermore argued that the EU member states’ search and rescue operations at sea must be improved, for instance the ability to detect small boats, so that the loss of irregular immigrants’ lives should be lowered (COM(2008)68, p. 4).

When it comes to determining what grand strategy that the Take care of victims frame is part of, there is clearly a mix between helping and averting irregular immigration for the instrument of providing a temporary stay to victims of smuggling, trafficking or exploitation in the workplace. Because of the fact that the residence permit is conditionalized on the victims’ assistance to authorities in capturing the smugglers, traffickers or exploiters, the instrument cannot simply be categorized as being about helping the irregular immigrant, but also about averting further smuggling or trafficking of irregular immigrants. This view is reinforced by the Commission’s own statement that “The purpose of the proposed Directive is to introduce a residence permit, with the aim of enhancing measures to combat illegal immigration” (COM(2002)71, p. 8). Hence, the goal of the temporary stay seems not primarily to be about assisting victims of exploitation, though it definitely involves elements of that too, but about curbing irregular immigration. Therefore, the grand strategy for the temporary stay is a mix between helping and averting immigration. There are, however, other measures that should be seen more or less as being solely about helping. One such example, and referred to above, is when the Commission suggested that each victim of trafficking should be offered rehabilitation, irrespective of whether they assist authorities or not in capturing their traffickers (SEC(2008)2026, p. 52-53). In this instance, when the Commission does not expect any service in return from the victim, the help is based more on basic human rights rather than any other principle. Also minimum standards for the treatment of victims of trafficking, and measures aimed first and foremost to rehabilitate victims, such as different social programmes, and to rescue irregular immigrants at sea, should be regarded mainly as being about helping. To a limited extent, the Take care of victims frame can also be said to provide some rights to irregular immigrants. This is the case when it comes to the right to compensation for suffering, and immunity from criminal prosecution, both
of which acknowledge the victim as an individual with some kind of right to demand authorities for basic support.

Information Campaigns: Educating Immigrants and the General Public

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Source: Author’s own data

The prognostic frame of Information Campaigns was present to a relatively substantial extent already in the 1970s, when it was brought up in 50% of the documents on irregular immigration. It was almost as popular in the 1990s, mentioned in 40% of the documents, but from there on it has become gradually less frequent. In the first half of the 2000s, the Commission argued in favor of information campaigns in 25% of the documents, and in the second half of the 2000s in only 9% of the documents. Overall, it is mentioned in 18% of the documents (in 10 of the 56 documents). The grand strategy that Information campaigns can be said to support is one that mixes helping irregular immigrants with averting immigration.

The Information campaigns frame seeks to address two different recipients; firstly, the potential immigrants themselves and secondly, the general public. The information campaigns that the Commission proposes to launch and that are directed to potential irregular immigrants have the content of countering mis-information on immigration possibilities (COM(76)331, p. 3; COM(78)86, p. 3), to inform about the dangers that irregular immigration may present to the immigrants (COM(96)567, p. 10; COM(2001)672, p. 17; COM(2006)26, p. 11), to enlighten trafficked women on the assistance available to them (COM(96)567, p. 10), to inform about possible legal roads to the EU (COM(2000)757, p. 12; COM(2002)175, p. 8). The Commission also talks about awareness-raising to specific groups that are more likely to become irregular immigrants and/or victims of trafficking: unemployed, women and students (COM(2001)672, p. 17; COM(2009)262, p. 20). The grand strategy behind these information campaigns involves an element of averting immigration, as also declared by the Commission itself (see e.g. COM(2001)672, p. 9), by seeking to convince potential immigrants not to embark on an irregular journey to the EU. Then again, it also includes aspects of helping immigrants, in the sense that the
information also is supposed to inform about the risks of an irregular stay in the EU or an irregular journey into the EU.

As for the information campaigns that are directed more to the general public, these have the aim of enlightening them on the exploitation of irregular immigrants in illegal employment and on the violence against trafficked women (COM(78)86, p. 1, annex p. 5; COM(96)567, p. 18). In addition, it is also to more generally educate on the issue of irregular immigration, since it was not a big issue before the turn of the millennium (COM(94)23, p. 5). The grand strategy in this case of informing the general public, I think, is probably mainly about helping irregular immigrants, by raising awareness of the situation of irregular immigrants.

Protection of Rights: Ensuring Basic Rights and Workers’ Rights

Table 6.16 Presence of the Protection of Rights Frame in the Documents

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Source: Author’s own data

The Protection of rights prognostic frame was one of the most popular frames in the earliest period studied, i.e. the 1970s and 1980s, when it was brought up in 50% of the documents. With that it reached the second place in the ranking list of the most-mentioned prognostic frames. It has, however, since then become increasingly marginal. In the 1990s, it was mentioned in 20% of the documents, and in the first and latter half of the 2000s, it fell to 8% and 9% respectively. Overall, it is advocated in 7 of the 56 documents studied (13%). The grand strategy that covers the Protection of rights frame is one that Provides rights to irregular immigrants, which is very unusual in the Commission documents.

The Protection of rights frame comes in two kinds, one that focuses on the protection of irregular workers’ rights and one that highlights the need to provide irregular immigrants with fundamental rights in the form of basic health care and education. The first-mentioned has gotten the most attention from the Commission. In the 70s and 80s, when the Commission often viewed irregular immigration through the employment perspective, it stressed the importance of workers’ rights (COM(78)85, p. 5; COM(85)48, 10). For example, it reasoned that there existed a real relation between the

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120 Broad wordings, such as vaguely claiming that the EU must respect fundamental rights of irregular immigrants (without specifying how), I have chosen to leave out, since they do not provide any concrete instruments, but rather seem to be little more than a mere standard formulation. For further information, see the Coding Instructions in the Appendix.
employer and employee based on the work carried out, despite the fact that it had not been settled by a legal contract, and that the relation therefore meant that there were obligations between the parts. It was formulated in the following way: “Although contravening legislation governing the employment of foreign labor, the working relationship between the employer and his worker has existed and has created obligations and rights; in view of the illegal migrant worker’s vulnerable position, it is essential that the authorities ensure that his rights are protected” (COM(78)86, p. 5). This means that the irregular immigrant had earned certain rights due to his or her position as workers. Above all, this right equaled the right to remuneration. Not only should the irregular worker be paid salary for work carried out, but should also be compensated for paid social security contributions and paid taxes (COM(78)85, p. 5). The idea that irregular immigrants enjoyed certain rights as workers was to some extent present also in the 1990s and 2000s. In addition to the right to receive a salary for the work carried out, the Commission also mentioned that irregular immigrant workers have the right to working conditions that meet appropriate health and safety standards (COM(2006)735, p. 8-9; COM(2007)249, p. 3-4, 9-10). Moreover, in a document from 1994, the Commission stated that EU member states should sign and ratify the UN Convention on Migrant Workers and Members of their Families, which enumerates the human rights of all migrant workers, legal as well as irregular ones. As the Commission argued; “A measure which would give practical expression to this goal would be signature and ratification by Member States of the UN Convention on Migrant Workers and Members of their Families. This convention is unique, as it lays down the human rights of migrant workers, including those who are in an irregular situation. The Convention makes it clear that human rights and fundamental freedoms are applicable, irrespective of the legal status of the migrant concerned” (COM(94)23, p. 29-30). The rights afforded to irregular immigrants here come primarily from their being workers or being a family member of a worker, but sometimes the Commission also mentions that irregular immigrants should enjoy some basic rights, such as the right to health care and education for children, not based on any other principle than being a human. This is the case in the following two examples, where the Commission points out that: “It should be remembered that illegal immigrants are protected by universal human rights standards and should enjoy some basic rights e.g. emergency healthcare and primary school education for their children” (COM(2003)336, p. 26), and that the EU must “Ensure that illegally residing third-country nationals have access to services that are essential to guarantee fundamental human rights (e.g. education of children, basic health care)” (COM(2008)359, p. 13). The idea is hence that irregular immigrants should have some rights based on human rights. Statements like these are, however,
very unusual in the studied material. And while irregular immigrants are in Directive 2009/52/EC\textsuperscript{121} ensured the right to remuneration for work carried out, the EU, or any of its member states, has never signed the UN Convention on Migrant Workers and Members of their Families. Moreover, if a member state wishes to present irregular immigrants with basic rights such as access to health care or education, it is still an issue for the national level.

As for grand strategy, the Protection of rights frame is clearly part of the grand strategy that seeks to provide rights to irregular immigrants. With the rights proposed by the Commission, irregular immigrants would be empowered with the right to demand authorities for some public good.

Visa Policy: Requiring Visas from Sending Countries

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|}
\hline
\hline
Frequency per cent (quantity) & 0\% & 20\% (1/5) & 25\% (3/12) & 6\% (2/35) \\
\hline
\end{tabular}
\caption{Presence of the Visa Policy Frame in the Documents}
\end{table}

The Visa policy prognostic frame has never been one of the more important policy solutions advocated by the Commission. It was first mentioned in the 1990s, in 20\% of the documents. Its frequency then rose very slightly in the first half of the 2000s to 25\%, but then fell quite steeply in the second half to be argued in favor of in merely 6\% of the documents. In all, Visa policy was encouraged in 11\% of the documents studied. The grand strategy that it is part of is one that seeks to avert immigration.

From the 1990s and onwards, the Commission has linked Visa policy to the fight against irregular immigration by arguing that it is one way of preventing irregular immigration. The idea is to install a visa requirement to countries with citizens with a high likelihood of remaining on EU territory after the visa has expired, thereby preventing immigrants by never giving them the chance to set foot on EU territory (COM(94)23, p. 28; COM(2008)359, p. 11; SEC(2009)766, p. 32). Visa policy is thus supposed to stop them from the possibility of becoming so-called overstayers (COM(2004)412, p. 20). Visa requirements are therefore placed on countries, with a relatively high sending rate of irregular immigrants. Argued the Commission: “The Community visa policy, which was set up as one of the measures accompanying the removal of controls of persons at the internal borders, can significantly contribute to the prevention of illegal immigration.

\footnote{\textsuperscript{121}Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.}
Illegal immigration represents one of the basic criteria for the determination of those third countries whose nationals are subject to the visa requirement (…)” (COM(2003)323, p. 4). Whereas visa policy is an instrument that may prevent potential irregular immigration, the Commission also notes that it does not help to locate an irregular immigrant once that person has already settled in an EU state (COM(2001)672, p. 11). Visa requirement only works as a tool against irregular immigration before the persons in question have left their home country. Today (since the Amsterdam Treaty) the EU competence in the visa area is such that the community (UK and Ireland are excepted) decides what countries that are obliged to hold a visa to enter EU territory. The grand strategy that runs beneath this line of reasoning is clearly one that wishes to avert immigration, by preventing potential immigrants before they have even become emigrants. Also the fact that the Commission saw it as beneficial that visa requirements are prioritized for countries that are considered to generate large amounts of irregular immigrants, shows that the grand strategy is to avert immigration.

Summing up and discussing the Chapter Findings

The aim of this chapter was to analyse the Commission’s prognostic framing of irregular immigration during the years 1974-2009. The findings can be spelled out as follows. First of all, as seen already when analysing the diagnostic frames in the proceeding chapter, there are not that many documents dealing with irregular immigration before the 2000s. The prognostic frames were few, only 5, in the 1970s and 1980s. In the 1990s, there was almost an explosion in how many different prognostic frames that appeared in the studied material, no less than 11. The Commission hence already in the 1990s had quite a grip on what solutions that it saw as possible in the area of irregular immigration. Secondly, just as with the diagnostic frames, the prognostic frames have experienced both changes and continuities, though the changes are a much more prominent feature here than it was for the diagnostic frames. In contrast to the diagnostic frames, the number one prognostic frame has changed over the different time periods. In the 1970s and 1980s, the frame that sought to Combat Illegal Employment was the most popular, whereas in the 1990s, it was the Border Control frame. In the first half of the 2000s, the most common frame was the Return Policy frame, and then in the second half of the 2000s, it was again the Border Control frame. Also the rest of the analysed frames; Surveillance, Financial Assistance to Third Countries, Information Exchange between Member States, Fight Trafficking, More Legal Ways into the EU, Take Care of Victims, Information Campaigns, Protection of Rights and Visa Policy, have generally gone through some ups and downs in their popularity (see table 6.18). There is no frame that maintains the absolute top position throughout the time periods. There-
fore it is more difficult to talk about any prognostic frame as the one most prominent compared to the diagnostic frames, where one and the same frame (the Victims frame) was the most popular across time periods. Having said that, one should probably be reminded that the Commission puts forth no less than 12 policy solutions in total, and it may be too much to expect any of them to remain on the same position throughout. Therefore, it is perhaps more rewarding to study the level of grand strategies to be able to discern any patterns of prominence. When doing that, one significant continuity appears; the grand strategy that keeps the top position in all four time periods is Averting Immigration. Furthermore, if one looks at the three top positions a further pattern emerges, the grand strategy of Averting Immigration does not capture these from beginning to end, but it does so to an increasing extent over the years. In the first time period, only one of the three positions is seized by this grand strategy. Also in the following time period (the 1990s), the grand strategy of Averting Immigration shares the top positions with other grand strategies. In the third and fourth time period, it is found on the three top positions. This seems thus to suggest that prognostic frames falling under the grand strategy of Averting Immigration are becoming increasingly central to the Commission. The same does not apply to the grand strategies that are more aimed at assisting immigrants, in which I include the grand strategies of Open up to Legal Immigration, Helping Immigrants and Provide Rights to Irregular Immigrants. These three grand strategies are also, seen in terms of the number of total documents that they are brought up in, by and large among the least popular of all. Averting Immigration is in this perspective the most popular, and more or less in between them, of mid-importance, come those grand strategies that are largely a mix between Helping and Averting Immigration.
<table>
<thead>
<tr>
<th>Prognostic frame</th>
<th>Grand strategy</th>
<th>Policy instruments</th>
<th>Frame frequency in documents (rank in parenthesis)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Border control (32 doc)</strong></td>
<td>Averting immigration</td>
<td>A Common Border Agency (Frontex) Rapid Border Intervention Teams (RABITs) Solidarity in funding control of borders</td>
<td>0% (-)</td>
</tr>
<tr>
<td><strong>Return policy (31 doc)</strong></td>
<td>Averting immigration</td>
<td>Repatriation Readmission Solidarity in funding return of irregular immigrants</td>
<td>25% (4)</td>
</tr>
<tr>
<td><strong>Surveillance (29 doc)</strong></td>
<td>Averting immigration</td>
<td>Supervise EU borders Supervise beyond EU borders Information systems Detention of irregular immigrants</td>
<td>0% (-)</td>
</tr>
<tr>
<td><strong>Combat illegal employment (24 doc)</strong></td>
<td>Mainly averting immigration</td>
<td>Employer sanctions Controls in workplace</td>
<td>100% (1)</td>
</tr>
<tr>
<td><strong>Financial assistance to third countries (20 doc)</strong></td>
<td>A mix b/n averting and helping</td>
<td>Development aid to fight irregular immigration Financial instruments</td>
<td>0% (-)</td>
</tr>
<tr>
<td>Topic</td>
<td>Description</td>
<td>Address root causes</td>
<td>Information exchange between member states (18 doc)</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Information exchange between member states</td>
<td>Mainly averting immigration</td>
<td>Exchange best practices&lt;br&gt;Info exchange on regularizations&lt;br&gt;Early warnings</td>
<td>25% (4)&lt;br&gt;20% (6)&lt;br&gt;50% (3)&lt;br&gt;29% (7)</td>
</tr>
<tr>
<td>Fight trafficking</td>
<td>A mix b/n averting and helping</td>
<td>Pursue traffickers</td>
<td></td>
</tr>
<tr>
<td>More legal ways into the EU</td>
<td>Open up to legal immigration</td>
<td>Temporary or permanent labor immigration&lt;br&gt;Mobility partnerships</td>
<td></td>
</tr>
<tr>
<td>Take care of victims</td>
<td>Mainly helping, but also averting immigration and providing rights to irregular immigrants</td>
<td>Social help to victims of trafficking, etc. Temporary stay in exchange for help to pursue traffickers Right to compensation</td>
<td></td>
</tr>
<tr>
<td>Information campaigns</td>
<td>A mix b/n averting and helping</td>
<td>Info to potential irregular immigrants&lt;br&gt;Info to public</td>
<td></td>
</tr>
<tr>
<td>Protection of rights</td>
<td>Provide rights to irregular immigrants</td>
<td>Workers’ rights&lt;br&gt;Basic rights to education, health care etc.</td>
<td></td>
</tr>
<tr>
<td>Visa policy</td>
<td>Averting immigration</td>
<td>Visa requirement for persons from major sending countries</td>
<td></td>
</tr>
</tbody>
</table>

Source: Author’s own data
Comparing with the Findings in the Chapter on Diagnostic Frames

When comparing the findings of this chapter with the findings in the chapter on diagnostic frames, the main point to make is that the most popular prognostic frames do not intuitively match the most popular diagnostic frame. Since the most widespread diagnostic frame was incontestably the Irregular Immigrants as Victims frame, one would not have expected that the Commission’s preferred solutions to this problem would be to increase Border Control, Return Policy and Surveillance measures. If one would want to articulate a little tongue-in-cheek the Commission’s logic between diagnostic and prognostic frames, it would be this: “in order to help irregular immigrants escape exploitation, the risk of death or injury on the irregular journey to Europe, or from a marginal position in European societies, the EU should according to the Commission invest in more border control measures\textsuperscript{122}, send captured irregular immigrants back to a home or transit country as fast as possible, and make sure to supervise irregular immigrants movements as effectively as feasible”. Articulated this way, the mismatch between them appears quite clearly. One may, however, object that this conclusion sounds unfair since the Commission does also argue in favor of More Legal Ways into the EU, to Take Care of Victims and Protection of Rights, which all better match the by far most central diagnostic frame of irregular immigrants as victims. This is, of course, a valid point to raise, and the prognostic frames that seek to avert immigration do match the less prominent diagnostic frames that consider irregular immigration a threat to the EU. Still, if one looks primarily at the most popular frames, these are, as stated above, the prognostic frames of Border Control, Return Policy and Surveillance, both in total and in the later time periods and these do not easily match the most popular diagnostic frame of irregular immigrants as victims. In addition, if one looks at the level of discourse and grand strategies respectively this picture is reinforced. The most popular grand strategy of Averting Immigration does not intuitively match the discourse on Irregular immigration as a Threat to Immigrants themselves. It is true that the discourse of Irregular Immigration as a Threat to Immigrants themselves and the discourse on Irregular Immigration as a Threat to the EU were almost equally present, but this shared popularity is not reflected when it comes to grand strategies, where there is a vast discrepancy in popularity between the grand strategy of Averting Immigration and the grand strategies that seek to Open up to Legal Immigration, Provide Rights to Irregular Immigrants or mainly Helping, where

\textsuperscript{122} Border control measures that many researchers in fact argue make the journey to EU territory increasingly perilous.
the latter ones are decidedly less often expressed in the Commission documents.123

The question that immediately arises after having observed this mismatch is what it means for this study. First of all, it means that the extent to which the Commission contributes to threat construction differs between diagnostic framing and prognostic framing. Whereas in the former it is much lesser, in the latter it is more extensive. To accurately answer to what extent the Commission contributes to threat construction it could therefore be helpful to think of threat construction in terms of having two components: diagnostic threat framing and prognostic threat framing. Doing so would capture the combined extent of threat construction, while at the same time demonstrating the differences between diagnostic and prognostic framing. This is further elaborated in the concluding chapter. Secondly, having observed this mismatch between the Commission’s diagnostic and prognostic framing, it becomes evident that there is a need to analyze not only what authorizes certain frames at the expense of others in general terms, but also to discuss why they do not point in the same direction. Could it be that they follow different logics? This is addressed in the next chapter, which studies the inner logic of the Commission field.

123 Though not depicted in the table above, the number of documents that contain frames falling within the grand strategy of Averting Immigration is 51 (out of 56). This means that the grand strategy of Averting Immigration is present in 91% of the documents. Prognostic frames that fall within the grand strategy of Mixing Averting and Helping are present in 33 documents, i.e. 59% of the documents studied. The grand strategies of Open up to legal migration are present in 15 documents (27%), Provide Rights to Irregular Immigrants in 8 documents (14%) and Helping in 16 documents (29%). If one adds together the three last-mentioned (since neither of them single out irregular immigration as a threat), they are mentioned in 28 documents (50%). This means that, while the alternative grand strategies are not insignificant, they are definitely present to a much lesser extent than is the grand strategy of Averting Immigration. Both at the level of frames and at the level of discourse/grand strategy one can hence talk about a mismatch.
7. Empirical Analysis of the Inner Logic of the Commission

The task of this chapter is to analyse what internal logic of the Commission that authorizes certain frames over others. It does so by first reconstructing the Commission field, which is done by analysing what is at stake in the field, discussing who the participants are and how the field has gotten its present shape through struggles between participants in the field. The second section deals with what counts as capital, material and symbolic, in the Commission and analyses how it is distributed among key participants in the field. In the third section, the chapter reconstructs the habitus of Commission officials by discussing their shared dispositions. It then concludes with a final discussion of the findings.

The Commission Field

In this section about the Commission field, I discuss what is at stake in the Commission field, who the relevant participants of the field are, what their relations look like, and how the field has emerged and divided its participants into different groups.

At Stake in the Commission Field: The Formulation of Sound Policies and getting them adopted by the EU

Starting out with the main tasks of the Commission, its formal role has understandably changed somewhat over time since its inauguration in 1958, which is shown further below in the account of the historical development of the Commission field. Generally speaking, however, its role has in research been described as guardian of the treaties and ensuring that the interests of

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124 It should also be stated that the section on the evolution of the field is based mostly on secondary sources, whereas the sections on capital and habitus mostly is based on the interviews carried out between 2007-2010.
125 The Commission had a forerunner already in 1952 with the High Authority that was the executive of the European Coal and Steel Community (Cini 1996, 36).
the EU as a whole are cared for. It initiates legislation, mediates negotiations between EU member states during the policy process as well as oversees implementation (Cini 1996, 14; Rhinard 2010, 19). It holds, therefore, a key role in EU policy-making. As seen in the theoretical chapter, in every field there is one central matter that is at stake, something that everyone in the field is concerned with. In the Commission field I would argue that the issue at stake is the formulation of sound policies (and to a lesser but still significant extent also to ensure that these get adopted by the EU). This is what the whole Commission field gravitates towards. Everything that is done in the Commission at core revolves around it. Both when it has the sole right to initiate legal proposals and when it does not. To argue that the formulation of sound policies is the main thing at stake in the Commission field does not only mean that officials try to write and produce what they believe are sound policies, but it also means that they implicitly (and sometimes explicitly) struggle over what a sound policy more fundamentally entails. Just like participants in the Artistic field inherently struggle over what should be seen as art, the subject of struggle in the Commission concerns what constitutes a sound policy. With respect to the issue of irregular immigration, the struggle is specifically about what a sound policy on irregular immigration is.

Introducing the Main Participants: DG JHA, DG Employment and the Relex Family

The main participants within the Commission in the struggle over the formulation of sound policies on irregular immigration are the following: DG Justice and Home Affairs (DG JHA), DG Employment and Social Affairs (DG Employment) and the so-called Relex family, which consists of three different DGs that are all concerned with the EU’s external relations. These are DG External Relations (DG Relex), DG Development and DG EuropeAid Cooperation Office (DG Aidco). DG JHA, DG Employment and the Relex family by and large have different perspectives and are organized in accordance with dissimilar standard operating procedures, which I argue has been of relevance for the development of the framing of irregular immigration since 1974. They have evolved through different routes within the Commission field, and they could all be considered as different sub-fields, since they follow their own distinct logics, although they at the same time are parts of the same Commission field and are shaped by that as well. This is discussed

126 There are actually also other DGs that in one way or another may address the issue of irregular immigration to a marginal extent, but for this study they have been of secondary importance, and I have therefore chosen to leave them out of the main analysis. These are for instance DG Enlargement, DG Budget, DG Joint Research Centre, DG Transport, The Secretariat-General, and the Legal Service.
below during the analysis of the evolution of the field, as well as under the analysis of habitus, but before that, a brief summary of the main participants’ formal responsibilities is helpful for the reader.

Starting with DG JHA\textsuperscript{127}, this is the DG formally in charge over the issue of irregular immigration. Its responsibility has since its establishment at the turn of the millennium basically covered issues of immigration, asylum, borders, internal security affairs such as terrorism and organized crime, police cooperation, judicial cooperation and fundamental rights. As for DG Employment\textsuperscript{128}, which has been part of the Commission from the very beginning (Cram 1994, 208) the issues that it mainly deals with are social inclusion (including migrant inclusion), social security, poverty and employment issues such as rights at work and labor law. In contrast to DG JHA, its competence is to a large extent to coordinate national policies, and only to a lesser extent to initiate laws. The three DGs of the Relex family are grouped together based on their common responsibility for external relations and because they often work together on overlapping issues. They are moreover considered something of a unity by players in the field, as demonstrated by the many interviewed officials that repeatedly referred to them as “the Relex family”.\textsuperscript{129} DG Relex\textsuperscript{130} is responsible for the EU’s bilateral relations

\textsuperscript{127} Actually, the correct acronym for this DG is DG JAI (from the French Justice et Affaires Intérieures), but since most academic writings on it in English has referred to it as DG JHA, I have chosen to do the same. In 2005, the name of the DG was changed to DG Justice, Freedom and Security (DG JLS), and then subsequently in 2010 it changed again when the DG was split in two; DG Justice and DG Home Affairs respectively, and the issue of immigration ended up in the latter. I have however chosen to stick with one name for the sake of clarity, which is why I refer to the DG consistently as DG JHA.

\textsuperscript{128} DG Employment has also changed names several times. Before the Prodi reorganizations in 1999/2000, it was called DG V - Employment, Industrial Relations and Social Affairs, but was renamed DG Employment and Social Affairs (Nugent, 2001: 136-137). Then in 2005, it changed to DG Employment, Social Affairs and Equal Opportunities, and again in 2011 it changed to DG Employment, Social Affairs and Inclusion. There were even more names before 1999, such as DG V - Social Affairs in 1968 (Coombs, 1970), but the ones just mentioned are the most recent. I have however chosen to stick with one name for the sake of clarity, which is why I refer to the DG consistently as DG Employment.

\textsuperscript{129} In the area of irregular immigration, the DGs that are included in the Relex family are DG Relex, DG Development and DG Aidco. However, on other issues, referring to the Relex family may also incorporate the Humanitarian Aid office (DG ECHO), DG Trade, and DG Enlargement.

\textsuperscript{130} DG Relex has also had different names and configurations. Before the Prodi reorganizations 1999/2000 it was divided in three DGs: DG I External Relations: Commercial Policy and Relations with North America, the Far East, Australia and New Zealand; DG IA External Relations: Europe and the New Independent States, Common Foreign and Security Policy and External Missions; and DG IB External Relations: Southern Mediterranean, Middle and Near East, Latin America, South and South-East Asia and North-South Cooperation. After the Prodi reorganizations its name became simply DG External Relations (DG Relex) (Nugent, 2001:136-137). It has also had more names before 1999. In 2010/2011 DG Relex was merged into the newly established External Action Service under the High Representative for Foreign Affairs and Security Policy, Catherine Ashton. I use the term DG Relex, for the sake of clarity.
with third countries and is in charge of the many delegations in the world. It also oversees Commission relations with IGOs such as the UN, and is responsible for the Commission side of the EU’s Common Foreign and Security Policy (CFSP) (Sabathil, Joos & Keßler 2008, 192). DG Development\textsuperscript{131}, which also has been around since 1958, handles the development aid policy of the Union towards poor countries in the third world. DG Aidco\textsuperscript{132}, which was created in 2001, on the other hand is the main manager of foreign aid programmes.

The fact that DG JHA is formally in charge of irregular immigration gives it some obvious advantages over the framing as compared to the other participants. DG JHA did not, however, exist until the Prodi Commission in 1999, whereas irregular immigration was mentioned in some Commission communications already during the 70s, 80s and 90s, as evidenced in the two previous chapters of this dissertation. The next section therefore at some length describes and discusses how the Commission field has grown and divided its participants in different groups, with a focus on the journey that the issue of irregular immigration has made in this field. As is shown, the settling over relevant DG is to a large extent arbitrary (but has significant consequences for making possible the Commission’s specific prognostic framing, as later sections seek to demonstrate).

The Evolution of the Field: Settling the DG in Charge over Irregular Immigration

Since the focus of this study is the framing of irregular immigration, the development of the Commission field is only described in relation to that issue and when the growth is seen as having a bearing on the framing of irregular immigration.

1970s-1980s: DG Employment in the Lead

From the Treaty of Rome in 1957 until the creation of the internal market in the mid-1980s, immigration from third countries was strictly a national competence, and therefore between those years a marginal issue of the Commission and the EU (Geddes 2008, 55; Hansen 2008, 34). As already evidenced by the very few communications produced in the 1970s and 1980s referring

\textsuperscript{131} DG Development changed name in 2006 to DG for Development and Relations with African, Caribbean and Pacific States, and then again in 2011, when it was merged with DG Aidco under the new title DG EuropeAid Development and Cooperation (DG DEVCO) (http://publications.europa.eu/code/en/en-390600.htm). In earlier years, it was also known as DG VIII (Dimier, 2004:83). For the sake of clarity, I consistently refer to it as DG Development.

\textsuperscript{132} DG Aidco has since 2011 been merged with DG Development into DG EuropeAid Development Cooperation.
to the issue of irregular immigration, the Commission was largely passive in the area of immigration. The one issue linked to immigration that the Commission played a more active role in, was in encouraging free movement of labor migrants between EU member states as well as developing social rights for those persons (Hansen 2008, 34). Having said that, the first mention of irregular immigration in a Commission communication still was produced in this time period, more specifically in 1974. The appearance on the Commission radar that year is probably not random. This was namely a time when several countries in the Northern and Western parts of Europe first began to introduce immigration laws to encourage the return of the immigrant labor workforce that before the oil crisis of 1973 had been seen as an economic benefit to the host countries (see e.g. Bigo 2005, 62; Triandafyllidou 2010, 10). What is important to note is that the author of the communications to bring up the issue of irregular immigration in the 1970s and 1980s was DG Employment. Most likely it was given the responsibility due to its experience in the area of free movement of workers between member states, i.e. migration between member states. As revealed in the previous chapters, these communications concerned irregular immigration first and foremost from a labor market perspective, by diagnostically framing irregular immigrants as victims of exploitation in the workplace and simultaneously as a socio-economic threat, and a threat to the EU Migration Policy, and by prognostically framing it through frames that sought to combat illegal employment and protect workers’ rights. This obvious labor market perspective is probably not a coincidence, but rather a result of DG Employment being the primary author and hence framing actor. If one looks at the other issues normally on the desk of this DG, it is clear that it was concerned with issues related to the labor market as well as social affairs. Migration policies were at the time tightly linked to social policies, with the Commission (and more specifically mainly DG Employment and DG Internal Market) strongly advocating equally extensive social rights for migrant workers from the member states as for domestic citizen workers, and the right of migrant workers’ families to migrate together (see Hansen 2008, 43-44). The standard operating routine to view migration, workers in the labor market and social policy as deeply connected most likely colored DG Employment in its approach also to irregular immigration. The DG basically seems to have addressed irregular immigration in more or less the same way that it normally addressed the usual questions of free movement and rights of workers on its table. Hence the salient labor market perspective in both the diagnostic and prognostic framing was enabled.

133 Since two of the communications from these years are authored by DG Employment according to the EU website called Prelex (http://ec.europa.eu/prelex/apcnet.cfm?CL=en), there is strong reason to believe that DG Employment was also the main author of the two other communications from these decades that touched upon the issue of irregular immigration, though that information is unfortunately missing on Prelex.
Though the Commission, and more specifically DG Employment, tended to discuss irregular (and regular) immigration from the perspective of social policy and the labor market, its relation to the member states soon rocked this road. During the 1980s, the big issue in the EU was the creation of the internal market, and the Schengen Agreement and the Single European Act (SEA) were signed in 1985 and 1986 respectively. At about the same time, in the mid-1980s, the Commission tried to make EU immigration policies (not just irregular immigration) the competence of the European community, but was unsuccessful due to resistance from the member states (Geddes 2008, 71; van Munster 2009, 27). As a kind of response to the Commission’s failed initiative, the member states in 1986 instead established the informal intergovernmental Ad Hoc Working Group on Immigration (AHWGI), composed of officials in e.g. the area of asylum and external borders. Its objective was to promote the realization of the SEA and free movement across borders. It also sought to ensure that the realization of the internal market would be complemented by so-called compensatory measures, which translated to enhanced external border controls and fighting irregular immigration (van Munster 2009, 27-29). Though the Commission was invited to participate in AHWGI as an observer, due to its failure to communitarize immigration policies, it turned out only a marginal player. Instead it concentrated simply on trying to ensure that texts agreed in the AHWGI (and within the Schengen cooperation) did not breach any Community laws. Van Munster argues that this marginalization of the Commission made it buy the intergovernmental working group’s (AHWGI’s and Trevi’s) strong focus on border control in immigration cooperation, which linked free movement to a heightened focus on border control (Van Munster 2009, 39). Hence, instead of continuing to handle irregular immigration according to the same logic as free movement and rights of workers (and fight against illegal employment) as DG Employment had previously done, irregular immigration now seemed to start to be reformulated into being the very opposite to free movement also in the Commission. This reformulation was probably enhanced by the internal struggles within the Commission over who should be responsible for immigration issues, and hence irregular immigration issues, that arose in the 1990s.

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134 The AHWGI was established out of the previously existing intergovernmental Trevi group, which materialized in 1975 as an arena for internal security cooperation, with a number of ministers of interior as members (Groenleer 2009, 278).

135 The Commission’s attempt to communitarize EU immigration policies had to quite a large extent also been annulled by the European Court of Justice (ECJ).

136 In the early years, it was Trevi, the AHWGI and the Coordinators’ Group that were informally the main actors that formulated the immigration agenda of Western Europe, while those that might have had another view were mostly kept outside, such as the Commission, the EP and the European Court of Justice (Van Munster 2009: 38). Van Munster hence focuses on the level of cooperation and meetings among ministers, rather than the work carried out in the Commission. Does this mean that the understanding of irregular immigration as an issue that
1990s: Rivalries between DG Employment and the new Task Force for Justice and Home Affairs

The 1990s was an important decade for Europe, both in terms of larger political events on the continent and as concerns the issue of borders and immigration. Not only did it mark the beginning of the new era after the end of the Cold War, it also saw the devastating wars in the former Yugoslavia. Neither would leave the EU project unmoved and they thus form an important backdrop to internal events of the EU and the Commission. It is clear that some feared increased immigration from the Eastern European countries which had previously not allowed many people to leave, and that refugees leaving the former Yugoslavia to seek asylum in countries of the EU made an impression on policy-makers (Koslowski 1998, 737; Guiraudon 2003, 268). It was also in the 1990s that the EU took a step that by many scholars have been described as one of the most decisive in its history, with the entry into force of the Maastricht Treaty in 1993, which created the European Union. Most importantly for this study, it created the pillar system that turned the informal cooperation on immigration into formal EU competence, through the establishment of the intergovernmental Justice and Home Affairs pillar (pillar III). With the entering into force of the Maastricht Treaty, the Commission also for the first time gained the right to initiate legal proposals in much of the JHA area, as seen in the Article K.3 of the Maastricht Treaty, though it shared that right with the member states (Uçarer 2001, 4). As Monar notes, however, despite the world events in the 1990s and the establishment of the Maastricht Treaty, the Commission was on the whole still not very active in issues within the area of Justice and Home Affairs before 2000 (Monar 2001b, 121). One reason may have been that the Commission, at least in the early 1990s, was reluctant to play out any major cards in the area of JHA due to a fear of pushing its luck with the member states, which were in general unenthusiastic about delegating any more power to the Commission. As a result, the Commission, instead of initiating legal proposals, chose to put forth a few more generic communications that addressed the challenges that it anticipated in the years ahead (Uçarer 2001, 5-6). The limited amount of communications, five, produced by the Commission that brings up the issue of irregular immigration during the 1990s supports Monar’s assessment.

needed to be handled with policy solutions that more or less equaled irregular immigration to a threat was already sedimented when the Commission entered the front stage in policy making towards irregular immigration in the late 1990s? To some extent maybe, but that is not the issue here alone. In the previous empirical chapters, we have seen that the Commission itself has changed its prognostic framing, whereas the diagnostic framing remains intact. This is not answered by van Munster’s insights, but have to be searched somewhere else. Moreover, van Munster misses the fact that the Commission does not only formulate its preferred policies in relation to the member states, but also in accordance to its own internal structures, which I here highlight.
Nevertheless, the issue of immigration, including irregular immigration, during this decade started to become an issue of tension inside the Commission, perhaps because of its relative rise in importance, which made it more central than in previous decades (even if it was still limited). As seen in previous chapters, there was during the 1990s a move away from the prominent labor market perspective to more of border control as concerns the prognostic framing (though the diagnostic framing did not change as much). Timewise, this coincided with a battle inside the Commission. What might best be characterized as an internal struggle for power to define what constituted sound policies on immigration, including irregular immigration, surfaced between DG Employment and DG Internal Market on one side and the newly introduced Task Force for Justice and Home Affairs on the other. Whereas the issue of immigration had previously been the responsibility of DG Employment and the Commissioner for social affairs and employment (which was Pádraig Flynn before 1995), this changed in 1995. That year, the Commission introduced the Task Force for Justice and Home Affairs in its Secretariat-General. It occupied around 20 officials, under the lead of the Swedish Commissioner Anita Gradin, (Lewis & Spence 2010, 106). (Though according to the newspaper *European Voice*, there had been a three person unit in the Secretariat-General of the Commission already in 1989 to address JHA issues (*European voice, 11 October 2001*)). Gradin did not have employment and social affairs on her table, which means that a decoupling between immigration and issues linked to the labor market was under way in the Commission. As Uçarer notes, DG Employment and DG Internal Market had until then handled issues of immigration, including irregular immigration, in accordance with their regular working procedures which focused on free movement (and the fight against illegal employment), but now the newly established administration was competing for the competence in the area of free movement of third country nationals and external borders. The different DGs experienced problems in coordination, as they had “overlapping competences” (Uçarer 2001, 5, 11). These problems are hardly surprising given that the establishment of a new administrative entity to handle the same issues as other DGs had before was more or less bound to be met by some resistance from the already present DGs. Nonetheless, I think the rivalries should be interpreted also as being a struggle over sound policies, as the officials in the DGs were operating under different logics of procedures.

Whereas DG Employment and DG Internal Market had free movement and the disbandment of borders as their standard logic, the new TFJHMA was at the initial stages more undecided as there were probably not yet any strong standard operating procedures for them to operate by. Despite this assumed lack of routines, there are some signs that the TFJHMA already in its infancy started to lean less towards the free movement of persons-approach and more on the internal security and border control approach in its organization (which means that they added a new look on how to handle
(prognostic framing of) irregular immigration). First of all, I think there is reason to believe that the leader of the TFJHA played a role in paving the way towards routines in the TFJHA. As there were most likely very few set routines in the beginning, this suggests that a leader was more likely to make a substantial mark compared to when there are already long-established routines to rely on (rather similar to the important and influential role played by specific “skilled social actors” when a new (sub)field emerges (see Fligstein 2001, 115-116). The lack of routines is, for instance, hinted at by the director in the early 1990s, Adrian Fortescue, who argued that one important reason for the up until then absence of tangible results after the introduction of the Maastricht Treaty, was that officials (and ministers) were still very unaccustomed to working with the new framework, in contrast to those officials in other departments that were experienced with working in first pillar issues (Fortescue 1995, 25). Due to this lack of routines, there is a need to find out who was in the lead in practice. Circumstances indicate that this person was not the Commissioner with formal responsibility for the Task Force. One reason for this is that Commissioner Gradin was not only responsible for JHA, but she was also in charge of Relations with the Ombudsman, Financial control and Fraud Prevention, which may have steered her attention away from JHA issues. Van Munster, for instance, notes that Gradin seems not to have been very active in issues relating to JHA (van Munster 2009, 79-80). Another reason is that she was highly disputed as a leader and lacked support from the civil servants working for her (see Uçarer 2001, 7-8). Instead there are indications that the “real” leader in practice was the Conseiller hors Classe Adrian Fortescue. One source to the newspaper European Voice describes Fortescue as thinking along the lines that Justice and Home Affairs was all about law enforcement (European Voice, 11 October 2001). If this is an accurate description, there is reason to believe that this colored the initial working procedures of the TFJHA, and slowly started to turn the focus away from free movement and the labor market to law enforcement. This seems also be supported by the new and very strong prognostic frames of border control and a decreased focus on labor market frames.

This focus on law enforcement also coincided with the progressive establishment of the European police office (Europol). The Europol Convention was signed in 1995, though the Europol Drugs Unit started limited operational activities in 1994, and began its full undertakings in 1999 (Groenleer 2009, 277-279). This may have contributed to the law enforcement perspective of the TFJHA in the Commission. It is also likely that the new task force, (and probably also other parts of the Commission and other EU institutions), was influenced by a fear of increased immigration at the end of the Cold War, as well as the immigration flows that was spurred by the wars in former Yugoslavia. It is hence not only the internal structure of the Commission that is affecting the framing of irregular immigration, but it is an important factor and moreover is important for how the events of the
breakdown of the Soviet Union and the Yugoslavia were translated and understood within the Commission. This soil, with the TFJHA challenging DG Employment’s take on immigration, proved quite fertile for the growth of a perspective on immigration issues as being about (compensatory) measures such as enhanced external border control and the fight against irregular immigration. If one looks at the organizational arrangement from this time, there were three areas of cooperation within the TFJHA. These were: 1) Immigration, Asylum and External Borders, 2) Drugs and 3) Judicial Cooperation (Uçarer 2001, 6). The fact that immigration and asylum is paired with the issue of external borders again suggests that the idea of immigration being about compensatory measures and thus external borders rather than free movement, social policy and labor markets is reinforced. (That one of the other was drugs, may explain a rise in the interest in organized crime that rose during this decade and is demonstrated by the rise in frames referring to trafficking). There are then indications that the internal structure of the Commission during the 1990s was slowly moving the issue of irregular migration away from a labor market orientation and more towards a perspective leaning on law enforcement and border controls.

One should, however, remember that the issue of irregular immigration, as well as the rest of the JHA issues, was still rather marginal in the Commission in the mid-1990s. The major expansion, as several scholars have noted, came after 1999 at the turn of the millennium. The Commission has since then, with the Amsterdam Treaty and the Tampere programme, disbanded its pre-Amsterdam rather quiet role and taken an increasingly more active role and there has been a steady stream of initiatives in the whole area of JHA, and not least irregular immigration (Geddes 2008, 14; Hansen 2008, 31; Mitsilegas, Monar & Rees 2003, 161; Monar 2002, 200-201).

2000-2004, The new DG JHA takes Command at the Turn of the Millennium

With the Tampere European Council meeting in 1999 and the Amsterdam Treaty, which entered into force the same year, a huge step was formally taken in the area of irregular immigration, as well as other forms of immigration and external border control. These issues were moved from the third, intergovernmental, pillar to the first, supranational, pillar. Although there was a transition rule, which allowed member states the shared right of initiative during the first five years, the Commission after the transitional period held this right exclusively. As Uçarer observes, the new set up meant “(...) an overall empowerment of the Commission” (Uçarer 2001, 13). After the transitional five year period, the decision-making rules concerning irregular immigration

137 The UK, Ireland and Denmark were however given exceptions to participating in JHA cooperation.
immigration were changed from the Council only having to consult the European Parliament, to the procedure of co-decision between the two institutions, which meant that the European Parliament’s powers were formally greatly enhanced to be equal to the Council’s (as from January 2005) (Acosta 2009, 21). The Amsterdam Treaty moreover for the first time incorporated the Schengen Agreement into the formal EU framework, and furthermore declared that the Union should become an “Area of Freedom, Security and Justice”. The Tampere programme at the same time was a five-year programme with the goal of establishing a common immigration policy for the EU.  

Van Munster argues that the Amsterdam Treaty’s move of immigration issues from the third to the first pillar constituted a window of opportunity for a less securitized immigration frame, i.e. one focusing less on border control and the fight against irregular immigration, since free movement had historically been the main issue of that pillar. As he notes, this was not the result (van Munster 2009, 78). In his eyes, the reason for this was that the EU (or more specifically the Amsterdam Treaty and the Intergovernmental Conference that led up to it) started to link the need to expand internal security to the feeling of insecurity among EU citizens. The argument was that deepened internal security cooperation was supposed to boost citizens’ trust in the EU (van Munster 2009, 66). The EU thus to some extent left the talk on compensatory measures behind and instead started to underline the need of internal security. Instead of becoming an Area of Freedom, Security and Justice, van Munster claims therefore that the EU’s cooperation on immigration and other JHA issues became an “Area of Security, Security and Security” (van Munster 2009, 66, 141). To understand what made possible the Commission’s specific framing of irregular immigration, there is a need to look more within this institution and in doing so, it becomes obvious that there were also struggles inside the Commission that were about to divide the field in more stable groups, and to resolve the disputes from the previous period. Important to note is that one part of the struggle was in fact settled by rather arbitrary events.

If the Amsterdam treaty was a window of opportunity for moving away from external border control and move back to working more in line with the labor market perspective of free movement and prognostic

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138 The Tampere programme was the first of what has now become three multi-annual policy “roadmaps” for goals to be achieved within the Area of Freedom, Security and Justice (or Justice and Home Affairs). The roadmaps present political goals to be realized over a five-year period and of these the Tampere programme was decided in 1999, the Hague programme in 2004 and the Stockholm programme in 2009.

139 van Munster argues that this link is actually highly questionable, not least since securitization is to a large extent in fact an insecuritization, where citizens’ fear may rise rather than sink, and that this instead creates demands from the government for protection that it will not be able to fulfill.
frames such as Protection of (workers’) rights, then the issue was settled through an unpredicted event. In the immediate aftermath of the Tampere Council and the entry into force of the Amsterdam Treaty, it was clear that the issue of immigration needed to be the subject of more attention and resources within the Commission than had been the case with the TFJHA. The TFJHA had only limited resources in terms of personnel, just 46.5 full-time employees in 1998, and these were unable to cope with the heavy workload ahead (Uçarer 2001, 6-8; van Munster 2009, 79-80). One might therefore, similar to van Munster, argue that given these shortcomings the most rational step would have been for the Commission to refer the issue of immigration to the already experienced and much more resource strong DG Employment and DG Internal Market, which had at the time ca 467 and 275 full-time employees respectively. Moreover, since the TFJHA was not an autonomous area, but merely one of the several tasks for one and the same Commissioner (the others, as stated above, being Relations with the Ombudsman, Financial control and Fraud Prevention), and a new Commission was still some year into the future (in 2000), the most straightforward and rational move would have been to move immigration to the most equipped DGs, which were already dealing with the very related question of free movement, not the TFJHA (van Munster 2009, 79-80). Nevertheless, coincidence was on the side of TFJHA. What no one could probably have foreseen was the corruption scandal that broke out in the Commission in 1999. With the accusation of fraud cast on Commissioner Edith Cresson, the whole Commission under President Jacques Santer resigned in 1999. What happened next was that the new Commission President, Romano Prodi, decided to without delay institute a new DG JHA out of the existing TFJHA. DG JHA was thus born in October 1999 (European Voice, 11 October 2001). The new DG was set up as a single area of responsibility for one Commissioner and the first Commissioner appointed to head it was the Portuguese Antonio Vitorino, while Adrian Fortescue became the first director-general. Just as van Munster argues, instituting a new DG for JHA showed that these issues were now taken very seriously in the Commission. The number of staff of the DG rose quickly, and in a year’s time it was three times more than before, with some even brought in from the “rival” DG Internal Market (van Munster 2009, 79-80; Uçarer 2001, 12). It is clear, therefore, that the introduction of the new DG JHA, which timing was largely accidental, made DG Employment and DG Internal Market relatively weaker, while DG JHA constantly grew stronger. After the establishment of DG JHA, the likelihood of letting the “free movement DGs”, i.e. DG Employment and DG Internal Market, handle immigration issues declined incessantly. With the new DG JHA, the previous rivalry between DG Employment and the TFJHA/ DG JHA was moreover quite soon settled. There seems to have been a brief phase when there were discussions on which DG that was to handle issues of discrimination and immigration. As one of my respondents said when asked...
if there were at the time of the interview (in 2007) any discussions over which DG that should take the lead in some immigration issues: “No, these questions were discussed when JLS [i.e. DG JHA], was created. Then there was a fight over the dossiers of discrimination and migration. Finally, a ‘Solomon solution’ was found: we cut the baby in two. And [DG Employment] was given the questions of discrimination and [DG JHA] took those of migration. I over-simplify, but this is what happened in a few words”. DG Employment thus had to settle with only the issue of discrimination, while DG JHA got immigration. Once this division was determined, there was moreover no longer any doubt about who was in the lead for the issue of immigration, including irregular immigration, and that was DG JHA. From then on, DG Employment and the labor market perspective took the back-bench. The Commission field had thus been rather greatly reconfigured as compared to the 1970s.

As for the internal organization of DG JHA, there are indications that routines were now taking root, and they seem to have followed the same path that the TFJHA started to walk down, which was towards law enforcement (including prognostic frames that sought to Avert Immigration, such as border control, surveillance, return policy, fight against trafficking) more than anything else. A source to European Voice at the time argued that while Commissioner Vitorino thought of JHA as being first and foremost about justice and civil liberties, but when he tried going in that direction he could have a hard time with his bureaucracy, which was more disposed towards law enforcement (European Voice, 11 October 2001). This thus suggests that the bureaucracy had by now developed some kind of standard operating procedures (since they went in the opposite direction of the Commissioner in charge), and that these were in line with the law enforcement perspective. Another sign of DG JHA’s law enforcement perspective is that its director-general, Fortescue, received critique for the focus on security and lack of attention to issues of freedom (European Voice, 2 September 2004).

One should moreover remember that only two years after the inauguration of DG JHA, the terrorist attacks against the World Trade Centre on the 11 September 2001 occurred. Hence one should not be too surprised that DG JHA’s focus on security became more and more rooted, and that the prognostic frame of surveillance appeared for the first time during those years. It is probably also due to these events that the diagnostic framing of irregular immigration as a securitarian threat is never as high as during this time (although the framing of irregular immigrants as victims is still even more prominent). Nevertheless, it should be stated that the surveillance and border control frames could only take root this firmly because the soil was very fertile, meaning that DG JHA was already going in that direction, and that it would probably have been harder for the events of 11 September 2001 to change the perspective

to have the same strong impact on the Commission’s framing exercises had DG Employment been in the lead.

The mid-2000s and Onwards: Relations between DG JHA and the Relex Family
Throughout the 2000s, DG JHA has continued to grow in importance. From the mid-2000s, its role has been strengthened through the mentioned move to the sole right of initiative as regards irregular immigration. From the same point in time, it has also been accompanied by a new agency for closer cooperation on the management of the EU’s external borders, Frontex, which may have contributed to the Commission’s continual significant prognostic frames of border control and surveillance during these years.

In terms of the evolution of the field and how this shapes and is shaped by relations among participants in the field, the most important development during this period is how immigration is given an external dimension. This has meant that DGs usually dealing with foreign policy have become involved in the issue of immigration, including irregular immigration, and have developed relations with DG JHA. Since there is a difference between the main objectives of JHA and the main objectives of foreign policy, there is also a difference between how they generally approach the issue of immigration. Whereas the latter is often more concerned with the root causes of immigration, the former is more about managing immigration. The inclusion of foreign policy actors, i.e. the DGs of the Relex family, may therefore be interpreted as constituting once again a window of opportunity for fewer policy solutions that emphasized to avert immigration. As van Munster notes, this was not exactly the result (van Munster 2009, 78-79).  

The external dimension of immigration had actually been discussed well before the mid-2000s, though it was from the mid-2000s that the relations between DG JHA and the Relex family were finally beginning to smoothen up. Nevertheless, if one starts with the small initial steps taken, it was really already in the 1990s that the TFJHA started to discuss a possible expansion into the external dimension of JHA, i.e. to integrate the issue of immigration with the EU’s relations with third countries, and whether such an expansion would be valuable, as indicated also by the prognostic frames of Financial Assistance to Third Countries that started to be discussed at that time. After the Tampere Council called for such an expansion in 1999, the Commission DGs with a stake in immigration and foreign relations, however, reacted markedly differently (Boswell 2008). For DG JHA the external dimension was fitting like a glove. Given that DG JHA in the 2000s, as described above, was in an expansive period and its tasks were quite open, it quickly instituted a new unit with the responsibility of external relations

141 Van Munster calls the EU approach securitized, but I prefer to point out that what is concerned are policy solutions that emphasize to avert immigration.
relating to JHA. Not only was this a way to move into foreign relations, but it was also a move to show DG Employment, with whom it was then in competition, that immigration in all its dimensions was the competence of DG JHA. As Boswell states: “[DG JHA] was an organization oriented towards expansion, and keen to acquire new competences and financing” (Boswell 2008, 500). In order to broaden the scope of its and the EU’s approach to immigration, DG JHA sought closer relationship with DG Relex and DG Development by consulting with them both formally and informally. If DG JHA was delighted with the external dimension of immigration policy, its counterparts were, however, less pleased. According to Boswell, officials of DG Relex, which had close interaction notably with countries of Eastern Europe and the Maghreb, feared that integrating immigration into foreign relations would negatively influence their established relations with the third countries. In 2002, for example, several DG Relex officials in interviews with her raised the issue of inexperience of DG JHA officials in terms of foreign policy. They saw this as potentially problematic when JHA was expanding into the external dimension (Boswell 2008, 501). A struggle over what was sound policies and who were to formulate them was hence emerging. Whereas DG JHA wanted to expand its competence, DG Relex was very reluctant to see external relations become a tool for immigration goals. According to Boswell, the result was paradoxical. While one may have expected that DG Relex would “soften” the focus on strategies that primarily sought to avert immigration, (such as border control, law enforcement, and return policy), and to steer attention to the needs of third countries, the opposite was in fact initially the result. The reason was that DG Relex chose to agree with those parts of the external dimension of immigration policy that it felt would the least interfere with more traditional foreign policy so that it would be able to resist immigration policy from taking over external policies completely. As it were, these parts happened to include the fight against irregular immigration and trafficking, border control and readmission agreements, (Boswell 2008, 501; van Munster 2009, 82-83). The result was hence not a significant move towards root causes of immigration, but a continued road to restrictive policies (van Munster 2009, 83). This way, DG Relex could continue more or less like before, and leave immigration issues to DG JHA to handle (Boswell 2008, 501).

Officials in DG Development were even more reluctant, since they were used not to pursue primarily the policy interests of the EU, but that of traditional development policy in their third world partner countries, such as the fight against poverty. To start to steer development assistance instead in accordance with the aim of immigration policy seemed inappropriate. In

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142 DG Relex dealt with the EU’s foreign relations with third countries other than ACP countries. At the time this also included countries of Eastern Europe, which were before 2004 not yet EU members, but to a great extent sending and transit countries of migrants.
the beginning of the years of the external dimension, DG Development hence chose to commit itself as little as possible to the new agenda. It did apply a part-time official to horizontally coordinate the issue of immigration in the DG, but that was about it. The three DGs also together wrote a communication on the integration of migration issues in the EU’s external relations. A few years later, however, DG Development had something of a change of heart. Boswell ascribes this redirection to the heightened public attention towards irregular immigration, (caused, for instance, by the incident in Ceuta and Melilla in 2005, when border guards killed several persons trying to reach the territory of these Spanish enclaves), and how this coincided with a new leadership in the Commission. The new Commission president (since late 2004) José Manuel Barroso and his new Commissioners for DG JHA Franco Frattini and for DG Relex Benita Ferrero-Waldner were open to getting more involved with the issue of immigration, not least the external dimension. Whereas the new Commissioner for DG Development, Louis Michel, is described as a liberal who rather wanted to talk about mobility than migration, he, as well as the officials in the DG, now seemed ready to incorporate immigration into development cooperation as long as it did not interfere with development goals, such as the Millennium Development Goals. Importantly, DG Development officials also liked the new Global Approach to migration (first appearing in 2005), which they felt meant that the EU started to listen to the needs also of third countries. For instance, the Global approach did not only talk about readmission agreements, irregular immigration and border control, but also the significance of circular immigration and immigrant remittances to home countries’ development. For the first time, DG Development felt that concerns not only of the EU but of their third country partners were actually taken into account. In fact, this should be attributed to that very DG, without whom this approach would probably not have transpired (Boswell 2008, 498-509). In more recent interviews, respondents reinforce this interpretation, and claim that relations between DGs of the Relex family and DG JHA were initially very hesitant and somewhat frosty. One example is one official who describes the relations as having come a long way from how DG JHA was initially just trying to make use of African countries for EU interests, something that the DGs of the Relex family did not buy: “But again, JLS came a really long way here. What I referred to before, the debate in Seville about making development cooperation conditional on migration policies – you don’t hear that anymore from Mr. Frattini and his people. They have learned the lesson that you need development to be successful in migration policies”. In the end, it seems as though the external dimension has brought together the Relex family and DG JHA in so far as they are working together.

143 Commission official 2 in DG of the Relex family, personal interview in Brussels, 2007-05-21
on a daily basis. It is likely that the root causes approach has been deepened by this cooperation. However, it also seems as though the Relex family is not necessarily the counter-weight one could have expected.\textsuperscript{144}

The differences between the DGs, some of which have been reconciled to some extent, are apparent after this analysis of the Commission field’s growth and division. The analysis has also shown how the evolution of the field has been important for the Commission’s framing of irregular immigration. Next there is thus a need to move forward to review how officials work together within the Commission, as well as to analyze how the legacy of each DG’s past history is still present within officials’ relations with each other.

Formal and Informal Contacts between DGs of the Commission

During the Commission’s day-to-day work, including on the issue of irregular immigration, the officials working there have formal as well as informal contacts with each other. The formal process of internal contacts in the Commission is called inter-service consultation. The process entails that after a certain unit in the leading DG has drafted a proposal, the proposal has to be presented to the rest of the DGs (the “services”) so that they can provide input regarding how to possibly revise it. After the document has been through inter-service consultation, it is sent to the College of Commissioners (all the Commissioners of all DGs), where it is once again negotiated. Only after that is it formally adopted as a proposal/communication of the Commission. From that point the whole of the Commission is supposed to stand firmly behind it. As a next step the document is sent to the Council and the European Parliament to be negotiated again between these actors (Rhinard & Boin 2009, 11; Rhinard 2010, 21).

In addition to these formal contacts, the officials in the DGs have informal contacts. Since DG JHA is in the lead concerning the issue of irregular immigration, they are the node in those contacts. They commonly have informal meetings and contacts with all the DGs mentioned in the section that described the evolution of the field; DG Employment as well as the Relex family, i.e. DG Aidco, DG Development and DG Relex. For example,

\textsuperscript{144} When van Munster argues that the ascending position/importance of the Relex family did not challenge the mainly security oriented framing of immigration, he is therefore only half-right. First of all, one should remember that the diagnostic framing of irregular immigrants as victims is still the most prevalent, which means that the securitarian framing is never as dominating as van Munster seems to argue (although he studies the EU as a whole, not only the Commission). Secondly, even if one only looks at the prognostic framing, which is very much categorized as being about averting immigration, the entrance of the Relex family has in the end probably still something to do with the focus on root causes and financial assistance to third countries, which is rather high during these years (although admittedly, they had been equally high already in the 1990s).
DG JHA had several meetings with DG Employment when drafting the Employer Sanctions directive proposal. One official of the Relex family moreover calls DG JHA together with the other DGs of the Relex family their main interlocutors in dealing with the external dimension of immigration, which clearly shows that they are often in contact with each other. The same official also describes the input they provide DG JHA during inter-service consultation as quite active: “We are rarely silent, we usually have something to say.” Several officials confirm the picture that the contacts between DG JHA and the Relex family are becoming part of everyday work, and that contacts take place daily. It should also be stated that the different DGs consist of a number of organizational sub-units that are specialized on certain aspects of the overall issues that the DG is managing. In general, a DG consists of several directions, each of which consists in turn of several units. Cooperation does not therefore only take place between DGs, but also between units in one and the same DG.

This shows that Commission officials from the different DGs have plenty of contacts with each other, both of the formal and the informal kind. Next follows how they view each other in those contacts.

The Field’s Division from the Perspective of Commission Officials

One of the results of the Commission field having evolved the way just portrayed is that officials from the different sub-fields relate to each other in a distinct way. Even though the interviews on which the analysis in this section is based were performed only between the years 2007-2010, and the picture painted directly only concerns this period of time, but indirectly also previous periods since they are the result of earlier cooperation and clashes. This section serves to show how the Commission’s specific framing of irregular immigration has been made possible by the fact that there are different sub-fields of the overall Commission field.

The picture that appears in the interviews is tremendously unambiguous when it comes to the officials’ estimation of differences between the Commission sub-fields regarding the issue of immigration. Basically all of the respondents share the same assessment. They consider DG JHA as the

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most restrictive and acting based on perceived interests of the EU member states, the Relex family as incorporating interests of third countries, not least in the developing part of the world, and DG Employment as being the home of perspectives relating to the labor market and social affairs, including interests of business and trade unions.

A clear example in terms of nailing down that there are differences between DGs as regards the perspective towards irregular immigration (and immigration in general), is the following quote where an official working in DG JHA describes the position taken by DG JHA as well as its divergence from other DGs: “In the last years, we [i.e. DG JHA] have become more like home affairs – more security driven. We put security first, and this is a good thing, it is our task. There are more differences now between DGs. Sometimes we go in the same direction, and sometimes not. But this should not be considered a problem, we have different profiles so that is only natural.”

According to this official the usual thinking of DG JHA is security oriented, which s/he indicates is usually not the case with the other DGs. Moreover, s/he describes that the different DGs sometimes share visions of where to go policy-wise, and sometimes not.

Another example where an official of DG JHA describes the differences between the perspectives is this: “Other DGs look on the issue of illegal immigration from other angles, in the sense that they have other priorities. For us in JLS [i.e. DG JHA] fighting illegal immigration is our number one priority, which it is not for DG Development, nor Relex. But we in JLS usually prevail since this is such a hot issue”. This clearly illustrates that the different DGs function according to different logics as concerns the issue of irregular immigration. The respondent moreover claims that DG JHA is the DG whose perspective in the end tends to win discussions and negotiations, which indicates that the most common frames are to quite a large extent the product of DG JHAs dominance (at least since it was inaugurated at the turn of the millennium). This is in line with the description of the evolution of the field in the beginning of this chapter. Other respondents, also from other DGs, reinforce the estimation that DG JHA is the one that as a rule get their way: “No, the distribution of roles is quite clear. JLS will have the last word”.

There also seems to be little competition over which DG that owns the issue and therefore holds the pen that draws up proposals on that issue, once the initial historical struggles have been settled. Hence, there appears to have been none in the way of arguing that DG Employment should be responsible for drafting the proposal for the Employer Sanctions Directive. As a response to my asking whether there had been any disagree-

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ments between the DGs as regards which DG should be responsible for drafting this proposal, officials from both DG JHA and DG Employment said no. One of them also added that this issue was settled already when DG JHA got the competence over the issue of immigration, which, as the historical evolution showed, was already at the turn of the millennium. It was hence clear that DG JHA should be in the lead, something that many NGOs/Social partners had reservations about since they feared that it would mean that the proposal would lean more towards prognostic frames that sought to avert immigration, at the expense of labor market frames that protected the rights of immigrants (see e.g. ETUC, PICUM and Solidar 2007). (Moreover, had DG Employment been in the lead, this would have meant that social partners would have more to say on the proposal, which I return to when analyzing habitus). One conclusion to draw is thus that the decision to let DG JHA own the issue of immigration was a very important one, because subsequently they keep handling it, and there is no questioning that this makes them the most influential designer of the Commission’s approach to irregular immigration.

Among the many examples of quotes demonstrating that Commission officials continuously experience differences in perspective between DGs are the following passages from five different interviews:

By our colleagues in DG Development and DG Relex, or the NGOs or civil society, we [i.e. DG JHA] are always seen as the bad guys when we want to put in place readmission policies or migration management policies.154

**Researcher:** How do DG JLS’s policy preferences differ and converge with those of other DGs?

**Respondent:** Well, here you can go back to the old schoolbooks because the rule is that “where you stand depends on where you sit”. It is quite easy to guess what kind of comments each DG will have when you collect the opinions. (---) [DG Development] looks at migration from a development perspective.155

**Respondent 8:** It is even within the Commission, because DG JLS’s point of view is much more on internal security stuff, and they have much more pressure coming from member states. (---)

**Researcher:** How do you differ and converge between the different DGs?

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155 Commission official 10 in DG JHA, personal interview in Brussels, 2009-10-09.
Respondent 9: There is a difference in perspective, as said. JLS is really serving the interest of the member states more or less.

Respondent 8: Their main point of view is from internal policy. Our point of view is with development, with third country partners.

Respondent 9: A theoretical example is this; there is X amount of money available to be used by the end of the year. JLS comes up with a proposal that more or less reflects current pressing issues from the member states’ perspective – they want to do something in X region because for them this is the most pressing issue. Irrespective perhaps of whether this makes sense from a development point of view, from the third country’s point of view, and whether it is feasible to do it there. It is really about meeting EU level concerns. Sometimes this is not compatible with the other DGs’ perspectives. (---) But that you have in other organizations as well. It is not EU-specific.\textsuperscript{156}

Researcher: How does DG [of the Relex family]’s approach differ or converge with that of other DGs?

Respondent: It’s identical. There is no DG [of the Relex family] policy on illegal migration, there is only a Commission policy.

Researcher: That’s true, but when you consult each other, do you get different views?

Respondent: Yes, but that is always the case, it is not typical for the subject. There is always a tendency for services [i.e. DGs] to try to use each other as instruments for your own policies. So JLS obviously has this tendency to try to instrumentalise development cooperation, development money to implement their policies. And the other way around. So that is the natural bureaucratic process I would say.\textsuperscript{157}

Respondent: In addition, within the Commission different DG’s may express different sensitivities. For instance, DG JLS is more sensitive on issues related to safety and on admission rules. DG Employment on the other side is more sensitive on the employment and social impact of migration [---].

Researcher: How does DG Employment’s approach differ and converge to that of other DGs?

Respondent: In addition to what I mentioned before, our line has been to press DG JLS to combine the measures of fighting against illegal migration with measures for opening paths for legal/economic migration. Because if we go unilaterally towards defending our frontier and fighting against illegal immigration, then the markets sooner or later would beat the frontiers. So we were in favor of a comprehensive package instead of an emphasis on fighting against illegal immigration through sanctions.\textsuperscript{158}

\textsuperscript{156} Commission officials 8 and 9 in DG of the Relex family, personal interview in Brussels, 2009-09-30.


All the quotes show that officials recognize a diversity of perspectives that they attribute to the different purposes of the involved DGs. Hence, DG JHA is understood as working in the interest of internal security and member states (which importantly are implied to be more restrictive and security oriented when it comes to the issue of immigration), whereas DGs of the Relex family are repeatedly described as acting in the interest of development and third countries. It is not far-fetched to assume then that the considerable frequency of prognostic frames falling within the category of grand strategies seeking to Avert Immigration, which was reported in the previous chapter, should to quite some extent be attributed to the fact that DG JHA has been handling the issue (though not completely attributed to it). Prognostic frames such as border control, surveillance and return policy seems to be what officials consider the normal policy agenda of DG JHA.

An additional example is given by another DG JHA official when asked whether there are differences between the DGs of the Commission:

Yes, you can see this. In some ways it is natural. DG Relex is always concerned that the Commission and Europe should be seen positively by third countries. DG Employment is very interested in the European labor market. DG [inaudible, the respondent says either ECHO or Aidco] is always interested in the humanitarian crises and that assistance is provided in these cases. DG Development is very concerned about the impact of our migration policy on third countries.\textsuperscript{159}

The differences described in this quote are almost textbook, as it so clearly depicts that DG Employment is taking a labor market perspective and that DGs of the Relex family are concerned with interests of third countries. One can probably also safely draw the conclusion that the official considers the perspective of DG JHA as contrasting with the others as s/he refers to differences, even though s/he does not mention exactly what DG JHA’s preferences are. In the same interview, the official also describes the hands-on cooperation between the DGs in the following way:

Well, we are discussing with the colleagues and we are trying to find a way forward which is acceptable to both Directorate-Generals. Sometimes it is easy, sometimes it is not easy. It depends also to a large extent on the personalities involved in the discussions. There are easy-going colleagues and there are more difficult colleagues. But in the end, the Commission is one institution – so it is just discussions among brothers and sisters that are taking place.\textsuperscript{160}

\textsuperscript{159} Commission official 1 in DG JHA, personal interview in Brussels, 2007-03-22.
\textsuperscript{160} Commission official 1 in DG JHA, personal interview in Brussels, 2007-03-22
What this implies is that the differences between the DGs are seen as an ordinary element of the cooperation. It seems not to be a big issue. Instead, they are “brothers and sisters”, which means that they may have their arguments but in the end they are on the same side. This is an important addition for the analysis since it indicates that the researcher must not only study the marked differences, but also take into account the similarities between the siblings. On the one hand it is clear that there are apparent dissimilarities between the DGs, which makes it important which DG is in the lead regarding the issue of irregular immigration, on the other hand, the DGs are like brothers and sisters, which indicates that the differences may in the end not be miles apart. The following quotation is on the same track. While showing that there is a difference in perspectives, it also shows that officials of one DG can understand the perspective of its counterpart:

**Researcher:** How do DG [of the Relex family]’s policy preferences differ or converge with that of other DGs?

**Respondent:** For us the main focus is basically what migration can bring, bad or good, to developing countries especially with regard to their development prospects, poverty eradication and so on. Basically our focus is more on the South than on the countries of the EU. Though of course we respect the fact that the EU’s interest has to be met as well. For example, if we see instances of forced migration, refugee flows for example between Liberia and Sierra Leone, it could create a threat to the stability of the country so it is an issue of concern for us. Whereas for France and JLS the concern might be that these people might end up coming to Europe. Also, all this temptation of irregular immigration is a symptom that things are not going well in the country. That there is a social crisis, that people feel that there is no way out, that they can no longer trust their politicians to bring about improvement. So that is a slightly different perspective from us.161

In sum, there is no doubt that officials in the Commission regard each other as following the routine perspectives of the DG within which they work, which supports the theoretical perspective that considers them to be part of diverging sub-fields within the Commission. Nevertheless, at the same time, one can see signs of similarities, which are important to return to further below, and which are not necessarily all that surprising given that they do belong to the same Commission field. This section has showed that the Commission field, just like other fields, has its own struggles, over the formulation of sound policies, which largely can be linked to different sub-fields that operate according to different logics and perspectives. It has also shown that the struggles have a history, in which the issue of irregular immigration has had a part since the 1970s, that has divided the Commission field into three important sub-fields; DG JHA, DG Employment and the Relex

family, which view each other as different from each other. Related to this is
next to continue to analyze which has more power, more capital, how that
power is enacted and how this plays into the Commission’s framing of irreg-
ular immigration.

The Distribution of Economic and Symbolic Capital
within the Commission Field

Very related to the concept of field, and the emergence of the (Commission)
field is the concept of capital. As stated in the theoretical chapter, capital
equals resources. The capital is unevenly distributed between participants in
the field, and this section of the chapter is dedicated to analyze how. Re-
sources are field specific. What counts as symbolic capital is only possible to
settle once empirical analysis has taken place. Even though economic capital
is often important in several fields, its relative importance differs quite ex-
tensively. Through an empirical analysis, this section determines what
counts as capital in the Commission field, as well as how economic and
symbolic capital is distributed among the field participants.

The Distribution of Economic Capital

Starting with economic capital, this is measured by looking at two aspects.
First, the number of persons working with the issue of irregular immigration,
and next by looking at who run the funds that finances projects in the area of
irregular immigration. The more personnel and the more funds, the more
economic capital an actor is provided. This is also a way to look at how the
budget is divided between Commission departments.¹⁶²

The Question of Personnel: DG JHA Outnumbers the Rest

There is no doubt that out of the DGs of the Commission, DG JHA has the
most persons working on irregular immigration. To pin down the exact
number is, however, unfeasible, since officials in the Commission do not
work only with that issue. They instead work with irregular immigration in a
number of combinations with other issues. For example, in DG JHA, there
are officials working with irregular immigration together with other aspects
of the immigration and asylum policy, or together with issues of border
management. In DG Employment, it is the same, though in combination with

¹⁶² There was no other way to find out how budgetary spending is divided, as otherwise the
budget is only divided by institutions or policy area. Hence, there is no combination between
them, which I here needed. That more and more money is spent in the area of irregular immi-
gration, is however no doubt true.
employment and social issues, and in DGs of the Relex family with issues of external policy and development. Moreover, the amount of time spent on irregular immigration varies not only across persons, but also between periods for each of those persons. Sometimes it is the issue of intense work, and sometimes it takes the backbench to other issues that during other times are more pressing. Hence, it is simply impossible to nail down an exact number of persons working with the issue of irregular immigration. Having said that, it is still rather uncomplicated to reach the conclusion that DG JHA has the most personnel committed to the issue. Officials in DG Employment, DG Development and DG Relex tell essentially the same story of how there are only between one and two persons in each of these DGs working fulltime with the issue of immigration, including irregular immigration, and that is basically it. In DG Aidco, the picture is somewhat different with at least four persons working with identifying projects linked to the issue of immigration. In addition, there are people working in geographical units who address the issue of immigration if the country that they are working with has a special interest in migration in their so-called Country Strategy Paper. The fact that DG Aidco is more equipped personnel-wise than DG Development, DG Relex and DG Employment probably is due to it dealing first and foremost with programming and implementation, whereas the others are more involved in policy-making. However, even if DG Aidco has more personnel than the rest of the DGs of the Relex family and DG Employment, it is still not near DG JHA’s personnel capacity. In DG JHA, there are several officials dedicated to the issue of irregular immigration, mostly found in the units working on immigration, in the units working on international aspects of migration, in the units dealing with border management and return policy, and in the units dealing with trafficking in human beings. Even though it is not possible to pin down an exact figure, it is clear that the number of officials is many times higher than in the other DGs. This thus means that not only is DG JHA formally in the lead, but it is also the DG that by far outnumbers the other ones in terms of personnel. As one DG JHA official deduces when comparing the other DGs’ more limited human resources in the area of immigration to that of DG JHA’s: “They cannot compete in terms of handling the business, it is impossible”. This suggests that DG JHA, at least since it grew so strong in the 2000s, is the site where frames most often originate. It also suggests that before it grew strong, i.e. especially during the

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163 Commission official 8 in DG of the Relex family, personal interview in Brussels, 2009-09-30
1970s and 1980s, the site was not to the same extent DG JHA or its predecessor TFJHA, but rather DG Employment.

DGs in Charge of EU Funds Dealing with Irregular Immigration: Money Largely with DG JHA

The three most important programmes for funding projects that concern irregular immigration are the Return Fund, the External Borders Fund and the Thematic Programme on Migration and Asylum, each mentioned in the previous chapter. Besides these, one might add the geographical development aid programmes, such as the European Development Fund and the European Neighbourhood & Partnership Instrument. However, since the two last-mentioned are concerned with so many more issues than irregular and regular immigration, they are not that useful for an analysis of which DG that is handling most economic resources. Instead, the focus is on the aforementioned. At the time when the interviews were carried out, the Return Fund as well as the External Borders Fund were managed by DG JHA, whereas DG Aidco managed the Thematic Programme on Migration and Asylum. Once again it is clear that DG JHA had the most responsibility if measured by the size of the funds. The funds managed by DG JHA covered € 1.820 for the External Borders Fund for the years 2007-2013 and € 676 for the Return Fund for the years 2008-2013. The amount of money within the Thematic programme managed by DG Aidco was around € 380 for 2007-2013. It is hence clear that while DG Aidco has been granted the task of managing quite some money in the area of irregular immigration (at least when not counting the money spent through the European Development Fund in accordance with the country strategy papers which can include issues linked to migration, but not necessarily do so), DG JHA still sits on a considerably higher amount. Interestingly, however, a few years back it had even more. The predecessor of the Thematic Programme, i.e. the AENEAS programme, was namely managed by DG JHA. To the apparent irritation of officials in DG JHA, this changed with the Thematic programme. The economic capital of DG Aidco in the area of irregular immigration is therefore increasing, which in turn is probably a sign that the external dimension is on the rise (which is not surprising since it coincides with the rise of the Global Approach to Migration).

166 The reason for mentioning the European Development Fund and the European Neighbourhood & Partnership Instrument in the previous chapter was that the Commission mentioned in the documents that it wanted to use them for purposes linked to irregular immigration. The extent to which this would be the case is, however, far from clear, which is why they are left out of the analysis in this chapter. Nevertheless, it can at least be mentioned that they are managed by DG Aidco/DG Development and DG Enlargement respectively.

The role played by economic capital, be it in the form of personnel or the management of funds, seems to be rather big. It is important to have personnel, that’s for sure. It seems also to be somewhat important, though to a lesser extent, to be the one that manages funds, as shown by the reluctance of DG JLS officials to hand over funds to DG Aidco, and the relative growth in importance that DG Aidco seems to have benefitted through its management of funds.

Symbolic Capital and how to prove one’s Competence

More difficult to identify than economic capital is what counts as symbolic capital in the Commission field. After closely studying the respondents’ answers, it seems fair to argue that those actors within the Commission are (symbolically) resourceful that are able to claim competence in the policy area and to show a willingness to “move forward” in policy-making. If someone or some DG on the contrary fails to claim special competence regarding irregular immigration and in the eyes of its compatriots does not show a willingness to move forward in policy-making, it then has decidedly less symbolic capital. It is here important to once again stress the relational quality of symbolic capital; an actor only has capital if the other participants acknowledge that it does. This means that an actor cannot in and of itself claim competence or a willingness to move forward in policy-making, the other actors must agree that it so does for it to become powerful. To further identify the symbolic capital in the Commission field, one thus has to nail down how actors come to be viewed as having competence in the area of irregular immigration and how they successfully can show a willingness to move forward in policy-making towards irregular immigration. As interviews reveal, it seems as though it is not enough for actors to simply claim familiarity or experience with the issue of irregular immigration to be considered competent. Instead it seems to be of utter importance to show that they have a certain kind of experience, or rather a view of irregular immigration that is deemed realistic. If deviating too much from this perceived realistic view, the actor will not be considered competent and serious. I develop further the analysis of what is considered realistic in the section of habitus, but suffice it here to state that being realistic habitually equals being restrictive, whereas arguing in favor of prognostic frames that seek to provide rights to irregular immigrants or open up to more legal immigration to a large extent equal being unrealistic. In sum, to be seen as competent, actors in the Commission field have to propose rather restrictive policy solutions, or they will simply not have enough capital to be influential, and will instead be marginalized in formulating (sound) policies, which is always the main goal in the Commission.
Very closely related to the subject of competence is the question of willingness to move forward in policy-making. Having analyzed the interviews, it seems as though the willingness is confirmed if an actor positions itself quite close to the member states. The reason is that Commission officials grant an unproportionally large weight to member states when it comes to decision-making. When asked the question of who the respondents think are influential in EU policy-making towards irregular immigration, not just from a formal angle but also informally, parts of the answers differed quite extensively. Someone could answer the press, politicians and political parties, another a specific person in the Commission, and a third top civil servants. What most agreed upon, however, was the prominence of the member states. A few examples are the following passages from the interviews: ”Member states…”; “Many member states and the Commission. Since 2005, they are very much influenced by the Mediterranean problems.”; “It [border control] is to a large extent driven by member states”; “Outside the Commission, it is still the big EU member states. (…) Spain, France, Germany, Italy, the big ones”. Not nearly as many gave weight to the European Parliament, even though it was sometimes mentioned alongside the member states: “I don’t know, mainly it is the national governments, but also the European Parliament”. While I am not trying to deny that member states play an important role in shaping the policy towards irregular immigration, the significance given to member states by the Commission officials is still not entirely rational when it comes to decision-making. While it could well be that member states play a more important role than, for example, the European Parliament when it comes to agenda setting, in decision-making they simply do not. If one looks at the formal decision-making rules on the issue of irregular immigration at the time when I was conducting the interviews, there was already co-decision (and there still is), which means that the member states and the European Parliament carry equal weight in making decisions. What is more, one should obviously

169 Former Commission official 13 in DG of the Relex family, personal interview in Brussels, 2009-10-16.
175 Commission official 12 in DG JHA, personal interview in Brussels, 2009-10-12.
176 Member states were mentioned as influential even more when the question did not only consider irregular immigration, but also legal migration. That is however more expected since there were no co-decision rules between member states and EP at the time of the interviews. Therefore, these responses are not quoted here.
not forget the Commission, which has the sole right of initiative. Without its initiative, there can be no decision at all, and it also has the right to withdraw the policy proposal. So how should one then understand the weight given to the member states by Commission officials in the interviews? The answer is that it is easy to sense that the informal status given to member states is important here. The weight is a sign of member states being ever present in the minds and behavior of Commission officials, as a leftover and historical legacy from the previous order when there was no co-decision in place. This has led to a situation where showing a willingness to move forward in policy-making for officials often seems to translate to situating their position rather close to the (perceived) positions of the member states, which is again to be quite restrictive. To have symbolic capital for Commission officials thus means not to move too far away from the position of the perceived leader of EU policy-making towards irregular immigration, i.e. member states. This does not mean that officials accept the position of member states completely, which would not even be possible since all member states do not completely agree on every aspect of the policy towards irregular immigration all the time, but it seems in general as though those officials whose stance come close to the perceived opinions of member states (which is a relatively restrictive stance) are seen as showing a willingness to move forward.

Most successful in proving one’s competence and willingness to move forward is DG JHA, if comparing the DGs to each other, as it most often comes closest to the member states. DG JHA hence has the most symbolic capital in connection to the issue of irregular immigration. It is accordingly the most legitimate speaker and the most trustworthy actor on the issue in the Commission. There is moreover a very hands-on institutionalization of this informal status, and that has to do with who gets invited to meetings and is able to speak there with legitimacy, which is a further sign of who possesses symbolic capital. If one examines first which officials of the Commission that gets invited to meetings with the other policy-making institutions, i.e. Council and EP, it is clear that DG JHA is the most sought-after DG. While that may not be surprising given that it is the formal DG in the lead of irregular immigration, one might still have expected that the other DGs would have more to say in areas where they have had the most experience, such as foreign policy in the case of the external dimension of immigration. Nevertheless, whereas DGs of the Relex family have been granted the right to attend with observer status in some of the relevant Council working groups, it is obvious from the interviews that these officials know their place at those meetings:

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177 Council working groups are committees where legal proposals are debated once they have been adopted by the Commission. They consist of representatives of the member states, of the
There is a High Level Working Group on Migration, which we are not formally part of, but we go there and listen to what happens and we get the documents. But we don’t have voice in the group.178

It is up to the Presidency to determine how they want to organize, and the present has given a lot of attention to the High Level Working Group on Migration and Asylum as the key player. And that is why the most debates, also on the external dimension of migration, are in that group. Previously it was different, and we had, for instance, very good cooperation in [other groups of more external relations and development character]. We worked with them in the past, and I personally hope that we can work again, because they were providing a slightly different perspective. But now it is the High Level Working Group, and we attend but JLS speaks. Whereas in the [other] group, [we] would be in the lead.179

It is clear that they know that they do not have the legitimacy to speak, which DG JHA does. The different DGs therefore participate in those groups on completely different terms, and this reinforces the uneven distribution of symbolic capital. It moreover makes DG JHA not only more powerful than other DGs, but also makes what they say more loaded with power. That is; what they say can be expected to have more bearing on the framing of irregular immigration. During internal discussions between DG JHA and the other DGs, this probably often leads to DG JHA having the upper hand, which an already cited quote has hinted at: “For us in JLS [i.e. DG JHA] fighting illegal immigration is our number one priority, which it is not for DG Development, nor Relex. But we in JLS usually prevail since this is such a hot issue”.180 Though the official offered another reason for DG JHA’s dominance, simply that the issue of irregular immigration is “hot”, what is most important for my argument here is that DG JHA usually has the advantage in discussions.

If one moves to study instead those meetings to which the Commission decides what other actors should be invited, the question of how symbolic capital equals to advance restrictive policies comes to the fore, because once again the close ties between member states and the Commission is demonstrated. During the drafting of a proposal, the Commission expert groups are of special significance, since those invited there get the opportunity to influence the Commission officials and the content already at an early and crucial stage. Whereas Commission expert groups

Council General Secretariat and of Commission officials. For an analysis of the work carried out in Council working groups, see e.g. Fouilleux, de Maillard & Smith, 2007.

may fill different functions (see Larsson & Murk 2007, 86), it seems as though the expert groups set up in the area of irregular immigration have been mostly about taking the first steps towards a proposal, e.g. acquiring insights concerning various positions on the issue. Even though the Commission can largely invite anyone it wishes to participate in the expert groups, my interviews as well as the EU online register of Commission expert groups show that those invited are, in addition to Commission officials, almost always only representatives of the member states, and in no instance persons from the European Parliament.\footnote{Commission official 1 in DG JHA, personal interview in Brussels, 2007-03-22; official 29 in Ministry of Justice, Sweden, personal interview in Stockholm, 2007-05-02. It appears as though this may change after 2010, since the following is stated on the EU website of the online register: “In accordance with the 2010 Framework Agreement between the European Parliament and the Commission, where expert groups comprise the national authorities of all Member States, the Commission services send the European Parliament the same documentation that they send to national authorities in relation to the meetings of those expert groups, where such meetings concern the preparation and implementation of Union legislation. Upon request of the European Parliament, the Commission services may invite the European Parliament to send experts to attend meetings of expert groups referred to above” (http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2, 4 February 2013). It hence appears as if the EP will get more to say in relation to the Commission expert groups.} The exclusion of persons from the EP is in line with findings of previous research (see Larsson & Murk 2007, 91). At later stages in the policy-process, i.e. after the Commission has already adopted its communications, it does meet with representatives of the EP (notably the so-called rapporteurs), but even at that stage it meets to a larger extent with member state representatives in the many Council working groups. This means that Commission officials at several instances are presented the views of the member states, and only a few times and at a much later stage when the communication has already been adopted, that of the EP. This is important since there is quite some consensus that member states represent a restrictive view towards immigration, whereas the EP holds civil liberties high and tend to be more open to immigration (see e.g. Leitner 1997, 138; Uçarer 2001, 14; Papagianni 2006, 252; Kaunert 2010, 127).\footnote{That the EP tend to be more human rights oriented and the member states more restrictive has not only been shown in research, but is an assessment that is shared by Commission officials. One respondent elaborated on this in the following way: “Well, I think, as compared to the member states, there is more concern for what is seen as the individual rights of migrants or the illegally staying and there is less willingness or less acceptance for the member states’ arguments in favor of restrictive controls and more rapid returns without considering the individual circumstances of lived experience of this particular person in front of you. The member states probably put more emphasis on considerations of pull factors if we speak of even individual case-by-case regularization or other ways short of regularization of enhancing the position that illegally staying migrants find themselves in, whereas the Parliament probably has more consideration for the individual and less acceptance of an argument saying that individual circumstances you will create an impression that you can illegally enter or overstay and then [become regularized] so why not do it because the benefits will outweigh the costs. I think that would be one way that I would read the differences” (Commission official 15 in DG JHA, personal interview in Brussels, 2009-11-11). Also NGOs and social partners saw the EP...}
To argue that these tight linkages and informal exchange of views between member states and Commission officials of DG JHA to some extent has grown into a similar or related approach to irregular immigration is not far-fetched, which in turn further strengthens how symbolic capital has come to mean to take a position not too far from the member states’.

Critics may point out that it is not surprising that DG JHA has the most capital, since it is formally responsible for the issue of irregular immigration, but that is not the point I am trying to make. The important thing to note is that beneath the formal responsibility of DG JHA lays also a logic that strongly reinforces DG JHA’s power and authorizes restrictive prognostic frames. Formal and informal organization hence reinforce one another. The close ties between member states and DG JHA together with the distance between EP and the Commission forms a crucial backdrop to how symbolic capital in the Commission has come to equal competence and willingness to move forward in policy-making to being restrictive, which again reinforces DG JHA’s power at the expense of other DGs’. The organization thus is circularly strengthened. What is more, it means that if other DGs, or other external actors for that matter, with less capital wish to be influential they cannot deviate too much from restrictive policy suggestions. Proposing restrictive prognostic frames becomes also a way to gain more symbolic capital, credibility. Nevertheless, this capital comes at a cost, namely the cost of policies that provide rights to irregular immigration, since such policies are largely thought of as a sign of incompetence and unwillingness to move forward in policy-making.

In sum, DG JHA has the most economic and symbolic capital. This has contributed to authorize the restrictive prognostic framing of irregular immigration.

Habitus of Commission Officials

The task of this section is to analyze how the habitus formed in the Commission field works to authorize certain framings of irregular immigration, by analyzing how routines and standard operating procedures form dispositions of officials of the various DGs. As seen in the theoretical chapter, a collective habitus is “characterized by shared perspectives on the world, relatively

as a defender of human rights. One respondent from the social partners for example said that “The European Parliament is our best ally!” since it considered social policy so important (Brussels based social partner respondent 23, telephone interview, 2007-05-14).

There are, however, some signs that the EP is getting closer to the member states in so far as that their fight for civil liberties seems to have declined somewhat after the introduction of co-decision (Ripoll Servent, 2012: 68; Lopatin, 2013).

Bourdieu makes an analogous argument when he analyzes how the male domination over women is not only an informal taken-for-granted hierarchy, but also to a large extent formalized (Bourdieu 2004b).
common sets of values and shared dispositions to believe and behave in particular ways” (Webb, Schirato & Danaher 2002, 93). In the Commission, as in other institutions, actors are socialized in certain ways and particular habitus thus formed. Of relevance to this study are two parts of collective habitus; firstly the part (these dispositions) that is formed in accordance with the routines of each specific DG, each sub-field, and secondly the part (the dispositions) that is formed in accordance with the larger overall Commission field. In case of the first-mentioned it is argued that officials develop certain dispositions that are shared with other officials of the same DG that they are presently working in. In case of the latter, it is maintained that they simultaneously develop dispositions that are shared with officials in the Commission as a whole, across DG lines.

Respondents were asked about their background, which included how long they had been working on these issues in the Commission and what they were doing prior to their current job. Though I do not claim to see any general pattern here (and in any case I have no representative respondents in the statistical sense), by and large the respondents seem often to have been quite some time in the Commission, which means they have had plenty of time to adapt to behavior in the field and sub-field. Most of my respondents have been in the same DG for more than a year, but less than ten years, though some have been there even longer.\(^ {185}\) In addition, some were seconded national experts and many had, before coming to their current position, held jobs in other locations, including other DGs. To have this kind of variety in respondents is fruitful, since it means that they may also have something interesting to say about the experience of working in different DGs. A sign of how socialization works is offered in this testimony of a respondent who used to work in different NGOs, and now works in DG JHA: “I left the NGOs in 1997, and now I realize they see things very much in black and white. The issue of migration and illegal immigration is, however, much more complex than that”.\(^ {186}\) If one does not assume that this is simply a rational assessment of working in NGOs compared to DG JHA, which the theory of this dissertation does not, it is instead rather an indication of how the respondent is adapting to the current institution’s logic of practice when s/he changes his/her views. Another official describes how s/he has changed his/her opinion on what role a certain DG of the Relex family should play in the external dimension of migration. When the official was working in that DG, his/her view was that it should play a key role in managing the external dimension, but his/her view changed when s/he started working instead in DG JHA: “In DG [of the Relex family] I was convinced that we had to coordinate and that we had to have it in our hands. But we did not have the hu-

\(^{185}\) The officials working in DG JHA have of course not been there more than 10 years, since the DG had not existed for that long when I carried out the interviews.

\(^{186}\) Commission official 6 in DG JHA, personal interview in Brussels, 2007-05-24
man resources to do it, and indeed it is not there that things are happening. It is here [in DG JHA], policy-making is here”. His/her firm conviction that the external dimension of immigration should be coordinated by a DG of the Relex family hence changed once s/he started working in DG JHA, which s/he then came to view instead as the legitimate coordinator. This is again a sign of how officials may socialize into the new sub-field’s logic of practice and views once they become part of it.

Standard Operating Procedures in each DG: Generating DG Specific Dispositions

DG Employment’s Relation to Social Partners and NGOs

If one looks at some of the previous research on the DGs relevant to this study, Cram in 1994 noted that DG Employment fostered a relationship with organizations interested in developing social policy: “Appealing to organizations and groups, often with a high level of moral credibility (if not political power), the activities of DG V [i.e. DG Employment] have made the issue of social policy difficult for national governments to ignore” (Cram 1994, 213, my square brackets). What Cram refers to is how DG Employment has appealed to and developed close ties to civil society organizations, something that was present already in the mid-1970s (Kendall & Anheier 1999, 293-294). The close ties to civil society organizations have hence for a long time been part and parcel of DG Employment’s routinized behaviour. In addition to NGOs and similar organizations, the DG also has an enduring relationship with trade unions and employer associations, the so-called social partners, not least in the social dialogue, formalised in the EC Treaty in the mid-1980s (now article 152, 152 and 154 TFEU). In the social dialogue, social partners are consulted both in the initial stages of a proposal regarding what the proposal should cover, and in later stages regarding the actual substance of the proposal. My respondents experienced the close link, and an official of DG Employment described the DG’s relation with independent actors this way:

189 Usual partners are for instance the European Trade Union Confederation and BusinessEurope. For a complete list of social partners, see http://ec.europa.eu/social/main.jsp?catId=329&langId=en, 11 February 2013.
We receive the opinions of the social partners through the social dialogue at EU level. We have also consultations with the Economic and Social Committee. We have also consultations with the civil society. [---] Migration is a multi-dimensional and multi-level issue, involving different ministries and also different levels of government, social partners and the civil society, starting from local up to the European level.\(^\text{191}\)

Staff of different NGOs reflected on the same experience from another perspective:

That also means that if JLS [DG JHA] is dominating the process, they have no real consultation mechanisms with civil society organizations as opposed to DG Employment, which has a whole consultation process and a history of working with trade unions, employer organizations and NGOs.\(^\text{192}\)

**Researcher:** *So, are you then consulted by the Commission?*

**Respondent:** That is quite an interesting topic because whereas DG Employment has a very structured social dialogue in place, regular meetings with social NGOs and so on, DG JHA so far has been very reluctant to talk to civil society. Not just reluctant, but also they have never done it before, so they have no idea how to go about it. [---] In the employer sanctions directive, we are struck that the Commission has hardly even mentioned the topic with employers, let alone trade unions and human rights NGOs and whatever. The European Confederation of Industries had not been consulted on the topic. We will probably write together with other NGOs a letter to Frattini [the JHA Commissioner] suggesting that they follow the same procedure as in DG Employment and set up a permanent consultation process for the legislation. This is not just so that we want to let them know our position, but also because if stakeholders are part of drafting legislation they will be more willing to implement it later. [---]

**Researcher:** *Do you feel that you [NGO] can affect the way the policy looks?*

**Respondent:** I think so, but to a very limited extent. Especially with DG JLS. Another thing that is worrying is that JLS is increasingly taking the lead, including on issues where it shouldn’t be, for instance the employer sanctions because that relates to employment so it should be DG Employment. And since it is difficult to talk to them, our impact is quite limited. That is a big problem. Even when NGOs cooperate and produce common positions, there is only so much that is taken on board.\(^\text{193}\)

What the interviewed staff of the NGOs agreed on was not only that they had close and well-established ties to DG Employment, but they also felt that this was decidedly not the case with DG JHA. In several cases they had actually been in contact with officials of DG JHA and had provided them their opinions, but they still felt that they were not paid the same time and status

\(^{191}\) Commission official 5 in DG Employment, personal interview in Brussels, 2007-05-24

\(^{192}\) Brussels NGO staff member 26, telephone interview, 2007-04-18.

\(^{193}\) Brussels NGO staff member 24, personal interview in Brussels, 2007-03-21
that they were from DG Employment. I would argue that this is a clear sign
of how DG Employment is well-trained in taking into consideration the perspective and favored policy solutions of social partners. It has become a very significant part of their habitus. How officials of DG Employment act and suggest policy solutions is highly colored by their experiences with how they usually do their business, which is to do something that social partners would agree upon. In the case of irregular immigration, that something would probably revolve around the labor market, similar to how irregular immigration to a large extent was prognostically framed during the 1970s, when DG Employment was indeed responsible for formulating Commission communications on the topic. If one looks at the interests of social partners it moreover seems as though they would prefer less restrictive policy solutions. This is certainly the case for NGOs and the European Trade Union Confederation (ETUC), who for example in a joint position paper on the Commission proposal on Employer Sanctions argued that the EU should enhance irregular immigrants’ rights in the workplace and refrain from using the derogatory and problematic term “illegal”. Also BusinessEurope seems to favor less restrictive policies. In a position paper on the same proposal, it states that while employer sanctions may be a good move (though arguing that private business cannot be delegated the duty to verify a person’s residence permit, which they argue is government responsibility), they cannot be used in isolation, but must be accompanied by facilitated legal immigration.

The Relex Family’s Experience with Third Countries
In the DGs of the Relex family, there are also standard operating procedures that shape dispositions and habitus of the officials working there. In 1993, Abélès, Bellier and Mcdonald observed that officials of DG Development saw their DG as something very distinctly different from those other DGs that it was not cooperating with (Abélès, Bellier and Mcdonald 1993, 9-10). Moreover, officials in the DG consider themselves grass roots, close to the third country partners and able to understand their problems particularly well. The feeling of closeness to third countries is not specific for DG Development, but is shared with officials in DG Aidco and DG Relex, who also are used to consider the perspective of third countries. In my interviews, respondents expressed how they were used to take in the concerns of third countries, which is doubtless such a large part of what they do that it has become the natural way of doing things. It has become an im-

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194 Joint Comments of ETUC, PICUM and Solidar On expected Commission proposals to fight ‘illegal’ employment and exploitative working conditions, Brussels 26 October 2007.
portant part of their habitus. However, this does not mean that all that is done within the Relex family is only done from the perspective of third countries. As was pointed out in the previous chapter, the trend in development aid in the area of immigration seems to be to prioritize countries that immigrants pass by on their way to the EU, and to build up those countries’ border controls, to enable them to halt unwelcome immigration to the EU countries. What it on the other hand does mean is that, when this is the case, officials of the Relex family are likely to feel somewhat uncomfortable, because their habitus is so used to seeing things from the perspective of third countries. One of my respondents expressed this ambivalence in the following way when elaborating on how the DG worked with the issue of immigration:

Third countries are of course much more interested in discussing labor migration; “how can we facilitate for our migrants who want to go to the EU to work?” [---] But the problem is that we got very concentrated on our own problems. Sometimes it can feel pretty hard that we are working with development aid, but when we are discussing with third countries it actually becomes quite obvious that we do this for our own sake, not so much for yours [i.e. the third countries’]. [---] I have worked here for quite some time, and when I started I wanted to work with development projects and help third countries. But I sometimes feel that – is that really what we are doing?

His/her uneasiness with how development aid is used as a tool for the EU immigration policy is rather apparent, and can likely be ascribed to how the habitus clashes with new trends in development aid and immigration policy. Another respondent supports this analysis by describing how there have been, and still are to a large extent, discrepancies between officials with a background in development and officials with a background in working with migration issues:

When you go to Africa, you have the whole debate between the development people and the people with a migration background, where by now I think there is a kind of common understanding, but there are still questions on how far can we go, also with regard to irregular migration – should we fund these types of projects from development funding? And I think there actually the Commission goes quite far. If you look at the country strategy paper for Mauritania, they say that we are going to work on integrated border management and that is financed from development funding. I think there are other development agencies in the EU that would not do that, that they

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196 In addition, DG Aidco, which is in charge of the development funds, has a lot of contacts with NGOs that implement projects on the ground. Thus, they are used to sensing the opinions of NGOs, though they may not be as close to these kinds of organizations as is DG Employment.

would limit themselves to migration-development issues [i.e. to try and use migration policies to spur development].

While the development people generally try to resist using development aid to border control, migration people do not in general experience the same problem, since their habitus does not contain the dispositions that mainly look from the third country perspective. Had DGs of the Relex family instead of DG JHA been in charge of the issue of irregular immigration, it would thus probably have been more concentrated on the perspective of third countries, which, as seen in the first quote, would probably have meant advocating more legal ways into the EU.

**DG JHA and the Special Relation to Member States**

Turning then to the standard operating procedures of DG JHA, it is first of all clear that it does not have the same experience of a close and long-standing partnership with either social partners or third countries. This lack of experience was most evident in the early years of DG JHA’s work on issues that involved these actors, such as the external dimension of immigration. For instance, an official of the Relex family describes how DG JHA at the time completely overlooked the third countries’ perspectives and instead simply tried to force them to do what the EU wanted, which was to halt irregular immigration: “The added value of having [DG of the Relex family] involved is from the perspective of JLS [i.e. DG JHA] that we can open doors in Africa. In the early days, around 2002, the idea was to go to Africa and bully states there to make them deal with illegal immigration. But policy-makers fast realized this was not working. We in [DG of the Relex family] also see to African needs.”

Not only does the respondent convey how DG JHA “bullied” states in Africa, s/he also contrasts this to how his/her own DG would not have done the same, which indicates how parts of their habitus differ. It is moreover not only officials from other DGs that point out how the early years of the Commission’s experience with the external dimension of immigration was missing the third countries’ perspectives. Another official, this time one working in DG JHA recollects these years in an equivalent way. S/he states that “we have passed the time when the EU one-sidedly demanded things from third countries, there is now a dialogue”.

Though s/he emphasizes that they today have a dialogue, the statement still confirms that there previously was a time when the opposite was the case. Some years later, in the second half of the 2000s, it seems as though DG JHA has gotten more used to dealing with third countries as well as social

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198 Former Commission official 13 of the Relex family, personal interview in Brussels, 2009-10-16.
200 Commission official 10 in DG JHA, personal interview in Brussels, 2009-10-09
partners, even though they are even now far from doing so to the same extent as DG Employment and the Relex family. There is still no formal dialogue with independent actors, such as NGOs, trade unions and business interests, though they do meet every now and then on an ad hoc basis.\textsuperscript{201}

While DG JHA on the issue of irregular immigration lacks closeness to social partners or third countries compared to the Relex family and DG Employment, they are instead closer to other actors than are the other DGs, which shapes their dispositions in a different direction. Two EU agencies that are cooperating with DG JHA in the area of irregular immigration and border control are Europol and Frontex. The former is the European Police Office, which since its inception in 1999 is concerned with law enforcement and the fight against transnational organized crime and terrorism. In the area of irregular immigration, it is focused on combating human smuggling and human trafficking. Frontex, inaugurated in 2005, is the European agency for the management of operational cooperation at the external borders. It supports member states in border control by, for instance, performing operations to capture irregular immigrants at border crossings and by coordinating joint returns of captured irregular immigrants. Though the agencies are independent from the Commission, they have quite close contacts with some of the units of DG JHA. According to one respondent, they may also attend Commission expert groups.\textsuperscript{202} That this relation to some extent stimulates the convergence of dispositions is highly likely, and since the agencies are focused on stopping irregular immigration, DG JHA officials will get somewhat used to that perspective. However, the actors that are the principal partners of DG JHA are without a doubt member states. Standard operating procedures on the issue of irregular immigration are for DG JHA to have lots of contacts with member states. As already revealed in the section that analyzed symbolic capital, the Commission has much more contacts, formal as well as informal, with member states than with members of the European Parliament, which is the other decision-making institution. The ties not only make DG JHA more disposed to seeing things in the restrictive perspective of the member states, but also seem to imprint on their habitus an especially strong tendency to act as though member states were always around the corner, ready to blame them for perceived shortcomings. Member states are in this manner ever present in DG JHA officials’ habitus as a “possibility”; a possibility to be blamed for moving too far away from the member states perspective. The following quote describing the difference be-

\textsuperscript{201} A possible exception is the launching of Green Papers by the Commission, which is meant to spur debate on the topic of the green paper. Anyone, be it a group or an individual, is then welcome to provide the Commission with their opinions on the matter, but green papers are quite different from the ongoing dialogue that social partners have with DG Employment. The closeness between actors is missing.

\textsuperscript{202} Official 20 in EU agency, telephone interview, 2010-01-28.
tween working in a DG of the Relex family and of working in DG JHA, in terms of their relations to the member states, is illustrative:

We are ready to work with everybody, but when there is a problem with migration it is the Commissioner in charge who is confronted to the member states. And we have lots of contacts with member states on migration issues, which [a DG of the Relex family] never has. Their counterpart is the geographical working groups. The pressure from the member states is on us, DG JLS, to deliver, not on them. So that is a bit different. [...] In a DG, which has not migration as its core business, like in [a DG of the Relex family], I was much more free to do what I wanted and I was adviser and expert and that’s it. Here [in DG JHA], you are really accountable for the policies put in place, so it has to be screened by the hierarchy. You are not the one who knows a bit about the policy, you are the one who is going to commit your Commissioner in front of the ministers [in the Council]. So the positions are really different, if you will. [...] we have our priorities. Otherwise, when we appear in front of the member states they are going to say “what are you doing with this money?! Of course migration from, for example, Namibia to Botswana is important, but we want you to pay attention to migration to the EU”.

A few important signs of how member states’ presence shapes the dispositions of officials in DG JHA surface in the quote. First of all, the respondent confirms the close relationship between member states and DG JHA on migration issues and contrasts this with the lack thereof between member states and a DG of the Relex family. Secondly, s/he makes clear that this puts a heavy pressure on DG JHA, while other DGs can happily provide a little light expertise without ever having to really be accountable in front of the member states for what they do. A third and last sign is how the official more than once refers to how s/he cannot risk putting his/her Commissioner in front of member states and not be able to serve them what they want. The sense of heavy responsibility is obvious. Accordingly, the habitus of officials in DG JHA is doubtlessly strongly colored by the constant presence of member states in their dispositions. Though the quote referred to the implementation of EU funds, that dispositions and habitus are marked by member states to such an extent obviously also has great bearing on what policy solutions that DG JHA are advocating, and thus authorize the Commission’s large focus on restrictive instruments towards irregular immigrants.

Previous research on the Commission has also noted how Commission officials tend to foresee how the Council might react to their proposals, and adjust them correspondingly already before having received the potential criticism (Pollack 1997, 110; Hix 2005, 57). That research has seen this anticipation as being a rational move. This dissertation instead ar-

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guessed that the Council is present in the bodies and minds of Commission officials, avoiding them to digress too far from what they believe that the Council would do. As concerns the issue of irregular immigration, this seems to apply by far the most to officials in DG JHA, which are the ones that have the closest contacts with the member states and hold the pen when drawing up proposals, which again strengthens the restrictive prognostic framing of irregular immigration. It may, however, suggest that should any of the other DGs have held that pen instead, also its officials might have had more of the Council present “within” them, and thus decrease some of the habitual force of their other present counterparts; i.e. the social partners and third countries.

In sum, one can conclude that the DGs have quite distinct standard operating procedures, which have formed officials’ dispositions in a dissimilar way. Things probably would have been different, although perhaps not as different as their Standard Operating Procedures of today suggest (since that would have meant more contacts with the member states and their often restrictive preferences), if another of the studied DGs was in charge over the issue of irregular immigration. What is more, there is reason to believe that these dispositions above all have a bearing on the prognostic framing of irregular immigration, and only to a lesser extent the diagnostic framing. One reason to assume so is that the most prominent diagnostic frame, the victims frame, remains at the top throughout the years, while the prognostic framing to a larger extent changes when there is a change in which DG that is responsible for the issue of irregular immigration. Another reason to so believe is that it seems as though each DG’s relation with other actors is focused on actual instruments and policy solutions and not so much on problem definitions. Hence, officials get used to a certain type of policy solutions or grand strategies, and continue to suggest them. This does not mean that the diagnostic framing is disconnected from the dispositions, but it does mean that the diagnostic framing seems to be less connected to the dispositions of the different sub-fields.

Shared Dispositions across DGs

Premises of Day-to-Day Work on Irregular Immigration in the Commission

Two things stand out when discussing the premises of working on irregular immigration with Commission officials. The first is that the issue has become a top priority for the EU.\textsuperscript{204} This is stated not only in official EU doc-

\textsuperscript{204} It is important to remember that interviews were carried out 2007-2010, and that the issue of irregular immigration may have become somewhat less prioritized in the aftermath of the economic crisis. Nevertheless, at the time of the interviews, it was still on top of the agenda of the EU.
uments, but, more importantly for this study, respondents experience the same thing. For example, an already referred respondent describes irregular immigration as a “hot” issue\textsuperscript{205}, another states that “We have received more attention on these issues”\textsuperscript{206} and a third argues that “the issue of illegal immigration is now a priority in the security field”\textsuperscript{207}.

The other thing is that there often tend to be very short time horizons, which means that officials constantly have to move fast. Three officials portray it as follows:

The obstacles to implement them [policies and policy ideas] are that we are understaffed, although we do grow quickly. We also lack time, everything is moving quickly, quickly. There is no time for long term conceptual analysis.\textsuperscript{208}

\textbf{Researcher:} Were there any specific challenges when you were drafting the proposal?

\textbf{Respondent:} From my perspective the main challenge was timing. From the political level, the Commission cabinet, we were asked to produce the directive in a very short period. We compressed everything to its minimum.\textsuperscript{209}

\textbf{Researcher:} What does a normal workday/month look like here?

\textbf{Respondent:} It is a constant flow of minor tasks. It is always extremely difficult to predict what the next week will look like.\textsuperscript{210}

What the quotes show is that the lack of time seems to be a quite persistent feature of working with irregular immigration in the Commission (and that DG JHA stands out here since its tasks are so many and it being rather small and new. This has been acknowledged in research that has described it as “overworked and understaffed” (Uçarer 2001, 7; Lavenex & Kunz 2008, 454). What is more, the first official points out that the lack of time means that they have no time for doing long-term conceptual analysis. There is only time to act, and to act now. Important for this study is how this lack of time shapes the framing of irregular immigration. I would argue that it above all does so by leaving officials with little time to actively reflect on the policies, which means that they instead have to rely the more on their standard operating procedures and just do things in accordance with the normal and habitual way of doing things. This reinforces the significance of their habitus.

\textsuperscript{205} Commission official 4 in DG JHA, personal interview in Brussels, 2007-05-23.


\textsuperscript{209} Commission official 15 in DG JHA, personal interview in Brussels, 2009-11-11.

\textsuperscript{210} Commission official 17 in DG JHA, personal interview in Brussels, 2009-11-17.
The View of Irregular Immigration among Commission Officials in Interviews: A Complex Issue

Though there is usually little time for Commission officials to contemplate on irregular immigration from a holistic and long-term overall perspective, during the interviews respondents were still requested to think in these terms when asked what they considered the key challenges of illegal immigration. The answers were quite interesting because they showed that when it comes to discussing irregular immigration at length most officials expressed a view that cannot simply be linked to them working in a specific DG. On the contrary, most discussed the issue of irregular immigration in terms of it being a very complex issue with many important angles, no matter which DG they worked in. The DG specific dispositions described in the previous section thus exist in parallel with dispositions that cut across DGs. Examples of how officials reasoned are these quotes from four different officials:

I think it is necessary to remove the emotional aspects of the issue, both the positive and negative emotions, and realize that illegal immigrants are not criminals. It is important to have a Global Approach, but at the same time we must realize that we will not be able to solve all the developmental problems in the world, hence we will need border controls. This is a question both of supply and demand. My personal view is that we should do it more like the US and Canada, and a sort of green card system. We should also focus on protection, and not only protection of refugees, that is too narrow, but we can’t be too open, that will just feed the right wing direction. Also, we have to accept some level of illegal immigration, otherwise we will become a police state. Still, we need to be more efficient, but it is important not to overdo the control side. We should be a safe haven for those in need of that. We should also take in people that are ready to really integrate.  

**Researcher:** What would you say are the main challenges posed by illegal immigration?  
**Respondent:** Actually, illegal immigration is there and it is very difficult to find efficient ways to solve the problem. That is the main challenge. Because politically governments want to show that they are doing something and actually they do not really succeed in doing something efficient. [...] So the management of illegal immigration is a challenge, whatever means we try to put in place.  

It is a phenomenon that has many causes and therefore should be dealt with by many different instruments. None of which should have the conceit of being the one true answer. [...] We need a combination of policy measures that relate to the combination of factors that are driving illegal immigration. We

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also need to look at third countries and why it is that people are taking decisions to move.\textsuperscript{213}

\textbf{Researcher:} What would you say are the main challenges posed by illegal immigration?

\textbf{Respondent:} For Europe or for the third countries? For the North [i.e. the EU] I think it is trying to reconcile the security dimension with the fact that there are unmet labor needs in the labor markets – perhaps not so much now with the [economic] crisis, but I guess on a long-term basis there will still be needs. The difficulty of getting the population to accept it, and of working out schemes that can basically replace the irregular migration. At least some of the irregular immigration is happening because the needs in the labor market are not met in a normal manner. Related to this is also that it is a politically very sensitive issue, at least in the North. Social regulations in the North basically price out people from some segments of the labor market. That is an incentive for irregular immigration, which is providing a grey market of cheaper and cheaper labor. Another challenge is of course to try to deal with irregular migrants in a humane manner, while not creating incentives for more people to come. If people know that they can be regularized very easily, then of course it will act as a pull factor. All in all, I think it is a very complex set of issues. And in the South, there are even more challenges in the countries of origin. The main challenge, only indirectly related to this [i.e. irregular immigration] is that most of these countries cannot offer proper work opportunities, training and so on to most people. That is the essence of the problem and it is related to poor economic governance, corruption, etc. To reconcile the freedom of movement with mechanisms that can ensure that at least people that pose security threats and people that are trafficked for example can be controlled. That is a key one.

\textbf{Researcher:} So how do you think that the EU should deal with the issue of illegal immigration then?

\textbf{Respondent:} Based on what I have seen over the last years, I think that there is no single solution. You need a multiplicity of responses to be coordinated. You can’t just deal with one aspect. You need to look at the security dimension, the labor market dimension, also the linkages between migration and development.\textsuperscript{214}

What all officials have in common is that they see irregular immigration from a range of different perspectives at the same time. They mention several different policy solutions, and often argue that a combination of them is needed. Irregular immigration is discussed both in terms of security and border control, in terms of needs in the labor market and legal immigration, and in terms of a lack of development in third countries. They are thus obviously aware of the different perspectives, that is for sure, and what is more, they agree on most of them. Officials across DG lines accordingly consider irreg-

\textsuperscript{213} Commission official 15 in DG JHA, personal interview in Brussels, 2009-11-11.

\textsuperscript{214} Commission official 7 in a DG of the Relex family, and formerly in DG JHA, personal interview in Brussels, 2009-11-29.
ular immigration as a very complex issue. So how does this fit with the findings of the two previous chapters showing that the Commission diagnostically to such a large extent framed irregular immigrants as victims, but prognostically mainly framed irregular immigration within a grand strategy that sought to avert immigration (at least since the 1990s)? Shouldn’t the Commission frames rather be an even mix of all perspectives, given that the officials actually do see the issue from all of them? Part of the answer is probably that since the issue of irregular immigration is considered so complex and difficult, (coupled with the short time horizons), that officials in their normal day-to-day work tend to rely mostly on standard operating procedures, and normal, accepted practice. They cannot go through the whole range of aspects that they actually agree are integral to the issue of irregular immigration, but do instead what they are used to do. That way, prognostic frames that seek to avert immigration get to the forefront. Another part of the answer is more intricate, and surfaced in the interviews more subtly. It has to do with the experience of critique and the unaware assessment of what is realistic and what is not.

Experience of Critique
During the interviews, without my asking about it, several respondents’ accounts of their work in the Commission revealed that they were aware of the critique against the EU’s migration policy from a number of NGOs and researchers:

> It is rather well-known that we have been quite criticized for only focusing on illegal migration... Maybe that is why you are doing this interview, I don’t know... criticized for how we in these projects actually are trying to make people remain at home and not come here, while we are now – especially with the Global Approach – trying to broaden this approach.\(^{215}\)

That the Commission and Europe gets the criticism for treating migrants so bad got a little bit on my nerves. The way migrants are treated in the regions [of Africa] is terrible.\(^{216}\)

By our colleagues in DG Development and DG Relex, or the NGOs or civil society, we are always seen as the bad guys when we want to put in place readmission policies or migration management policies. They always see you as the repressive side.\(^{217}\)

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\(^{216}\) Former Commission official in DG of the Relex family 13, personal interview in Brussels, 2009-10-16

\(^{217}\) Commission official 11 in DG JHA, personal interview in Brussels, 2009-10-12.
Although the critique falls the hardest on officials of DG JHA, which, as shown in the last quote, is criticized both from civil society and its own colleagues in the other DGs, it seems as though officials across DGs have experienced it and are aware of it. One way to meet the critique is of course to show that the Commission does not view irregular (or regular) immigrants as threats, but are aware of their vulnerable position. The easiest way to do this is to include some paragraphs on it in their official documents, the Commission communications. This is probably one of the reasons that the “Irregular immigrants as victims frame” is the most prominent diagnostic frame in so many of the examined documents. Moreover, the reasoning when including the victims frame can on the part of Commission officials probably not be characterized as a rational strategic action to forestall further critique. It seems rather that the critique has made officials sensitive to prove that they are indeed aware of the many angles from which one can view the issue of irregular immigration, including the vulnerability of irregular immigrants, which they sincerely are, as demonstrated when they elaborated at length on the issue and its complexity (in the previous section). Important to point out is furthermore that officials can include this kind of diagnostic frame without the risk of losing symbolic capital, because that kind of capital is mainly connected to prognostic framing. To diagnostically frame irregular immigrants as victims does not risk symbolic capital because it does not signal that the proponent is unwilling to move forward, which prognostic frames such as More Legal Ways to the EU and Protection of Rights to a much larger extent do.

(The Illusion of) the Commission as a Guarantee for Balance

Another reason that there is a difference between the diagnostic and prognostic framing probably has to do with how Commission officials, on false premises, tend to view the Commission as the guarantor for balance. First of all, they consider the Commission as a kind of honest broker between the Council (i.e. the member states) and the EP. Below are two examples depicting the Commission in such a way:

**Researcher:** Could you tell a bit more about how you work practically with the Return directive and the Return Fund?

**Respondent:** When it comes to the Return directive, you have to make a distinction between the negotiations of the directive and now of the implementation. When it comes to the negotiations, the Commission was a kind of “honest broker” between the Parliament and the Council. The majority of the Council was not much in favor of the directive, because in their eyes it was too human rights protecting and not facilitating return, and the majority of the Parliament was not in favor because it was not enough human rights oriented. So we tried to build a bridge between these two positions and finally
we managed. We were criticized from both sides and clearly also from outside the institutions. But I think we found a good compromise.  

**Respondent:** [talking about the experience with co-decision rules] It is not only Council that decides but also the Parliament, and there is a huge gap between the two institutions.  

**Researcher:** *How would you describe that?*  

**Respondent:** In very simplistic terms; the member states don’t want to be bound by Community law, they want to maintain sovereignty and discretion to decide on the national level and don’t want to be bound by protection oriented rules, whilst the Parliament is very keen on having European level of protection oriented rules. So the Parliament is very concerned about the protection of rights of third country nationals involved.  

**Researcher:** *And why do you think that is?*  

**Respondent:** Well, the Parliament comes mostly from a theoretical, academic background and wants to have the world as it should be, whilst the Council consists of practitioners who have to face realities.  

**Researcher:** *How about the Commission?*  

**Respondent:** The Commission is somewhere in between. We want to make proposals which stand a good chance of being adopted, but nevertheless maintain acceptable levels of protection safeguards. Our role is to arbitrate between the two institutions.  

Both quotes clearly describe the role of the Commission in terms of ensuring a balance between the security stance of the member states in the Council and the human rights attitude of the EP. This view of the Commission as an honest broker seems moreover to be the general understanding of the Commission among officials across DGs). In the case of irregular immigration, however, it is very misleading. As seen in the section analyzing symbolic capital in the Commission, the amount of contacts between the Commission and the member states is quite overwhelming during the drafting of a proposal. While there is plenty of communication between the Commission and the member states, there is basically none with the EP. It is therefore hard to agree with the label of honest broker. Though officials see the Commission in such a way, in the unreflected practice they are not a guarantor of balance between Council and EP. The quotes furthermore suggest that officials see the Commission as a guarantor for balance between human rights and security, something that they share with other interviews, as indicated in the two following quotes:  

We do get the opinions of NGOs, but it has very little impact on policy. Their problem is that they don’t focus on the overall picture. They only focus on the Human Rights perspective. It is important to balance security and  

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218 Commission official 12 in DG JHA, personal interview in Brussels, 2009-10-12.  

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human rights, and I am not connecting immigration to terrorism in any way. A concrete example is the Return directive, which we have been criticized from both angles, from the member states for being too human rights focused and from NGOs for being too security minded. But I understand why this happens, it is since it is such a highly ideological issue.  

Usually there are two extremes in this discourse. One is about fortress Europe and all this security thing, and the other is about open borders, no borders and stuff like that. Of course none of us are in any of those, it is kind of in between and trying to balance. Of course the need of border management and the security challenges involved are there. To deny them would be kind of naïve. At the same time this does not mean, and should not prevent people from migrating legally, and in fact, opening up legal migration channels would ease the situation a lot.

The quotes portray the Commission and the officials as seeking to balance between human rights and security as well as between legal migration and border security. Again, however, even though they may want to be guaranteeing that balance, it is not easily something they can be said to be doing in practice when one refers to the two previous chapters. Looking at the prognostic framing of the Commission over the years, it has since the 1990s favored a grand strategy that above all is characterized by trying to avert immigration. Protection of rights has been marginal after the 1970s and 1980s, and though the Commission argued in favor of legal immigration in the first half of the 2000s, it did so to an unquestionably lower extent than it advocated return policy and surveillance (both part of a grand strategy that averts immigration). Given that the officials’ view of the Commission as a guarantee for balance seems largely to be an illusion in the case of irregular immigration, perhaps it is more useful to contemplate what this view makes to the self-perception of the officials. To be a guarantor of balance is arguably something that makes officials have a positive self-image, since the act of balance bear strongly positive connotations. It may be that if you are under the impression that you are a guarantee for balance, you have little reason to change your behavior. If so, the illusion that officials have of the Commission as balancing between the member states and EP and between security and human rights, make them less prone to question their doings. It has become part of their dispositions and habitus and makes them largely comfortable with their work in the Commission. Hence, it is quite easy for them to

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222 They do not really balance the diagnostic framing either, since the prominent frame throughout the years is that irregular immigrants are victims, but then the quotes seem to rather refer to policy solutions than problem definitions.
continue down the same road, which means to let prognostic frames that mainly seek to avert immigration be prominent.

Another very likely reason for how the prominence of the these frames has been made possible is that officials often seem to value prognostic frames that call for further protection of rights and more legal ways into the EU somewhat differently than those frames that seek to avert immigration, such as border control, return policy and surveillance. In one of the above quotes, the respondent argues that the EP advocates human rights because they come from a theoretical background that “wants to have the world as it should be”, while s/he describes the member states as restricting those same rights because they “consist of practitioners who have to face realities” (the use of the term “realities” here signifies the restrictive stance of the member states, not, for instance, realities faced by irregular immigrants). S/he hence distinguishes between an idealism of the EP and a realism of the member states.\footnote{Later in the same interview s/he actually describes the distinction in those exact terms: “realism” versus “idealism”.
} Another respondent depicts those arguing in favor of open borders and denying what s/he calls the security challenges as naïve, which means that seeing the security challenges equals being realistic (though s/he does also want to extend the amount of legal migration somewhat). Their assessment of human rights and the rejection of the security stance as being idealistic and theoretical and the restriction of rights and support of security measures as more realistic, strongly suggests that the latter is considered as a more rational move in policy-making. This is probably not something that they tend to actively reflect much upon, but is rather a constituent part of the dispositions of their habitus. Though they can genuinely view irregular immigration from several different perspectives, which has been shown above, they tend to unconsciously value policy solutions that seek to enhance the protection of rights along the lines of “nice but idealistic and unrealistic”, which means that they are not going to promote them very much. This unconscious assessment can moreover be linked to the constant drive to move forward in policy-making, which colors the whole Commission field. Valuing one type of policy solutions as more realistic and rational means that those are the way forward, and thus these solutions get further authorization from the field. This hence indicates, at least to some extent, why there is a difference between the diagnostic and prognostic framing of irregular immigration.

**Summing up and discussing the Chapter Findings**

The aim of this chapter was to analyze what inner logic of the Commission that has authorized its framing of irregular immigration, as described in the
two previous chapters, and to do this with a special focus on power relations in the field, as well as the organization and experiences in the field.

The analysis of the Commission field showed that its evolution had divided the field between three main participants: DG JHA, DG Employment and the Relex family. They consider each other as parts of one and the same Commission, but at the same time as decidedly distinct from each other and representing different perspectives on issues at large, as well as with respect to regular and irregular immigration. The issue of irregular immigration has also gone from being a marginal issue to become one of the EU’s top priorities, and the Commission from being a marginal actor to have the sole right of initiative in the second half of the 2000s. The evolution of the field has gone from DG Employment being in the lead of the issue in the 1970s, to DG JHA so becoming after the turn of the millennium, and has in relation to this seen a number of struggles for power manifested in terms of who should be the responsible DG. First between DG Employment and the forerunner to DG JHA, the TFJHA, and later between DG JHA and the Relex family when the external dimension of immigration was introduced. For reasons, largely arbitrary, DG JHA came out on top in the end. This means that DG JHA is in a privileged situation as compared to the other DGs when it comes to the capacity of being able to determine the framing of irregular immigration.

In analyzing the distribution of capital among the participants in the field, it is clear that DG JHA’s formal position in charge is reflected in how economic capital is divided. The amount of personnel dedicated to the task of irregular immigration in DG JHA outnumbers the amount in the other DGs. Moreover, the EU funds which aims include the issue of irregular immigration are controlled principally by DG JHA, although DG Aidco has taken over one of the funds in later years. When it comes to the distribution of symbolic capital, the picture that DG JHA is advantaged compared to the other DGs is again reinforced. To gain symbolic capital in the Commission, actors have to be able to prove their competence and willingness to move forward in policy-making. As regards the issue of irregular immigration, actors can only do this by showing that they are “realistic” on the matter and do not take a position too far away from the member states’, which translates to being in favor of restrictive prognostic frames. Of the relevant participants of the Commission, DG JHA does so the best. There is a further institutionalization of this distribution of symbolic capital, and that is that only DG JHA is granted a voice in meetings of Council working groups, although other DGs are allowed to participate. Moreover, there is a Commission routine that upholds what counts as symbolic capital in the field and that is the very close contacts between the Commission and the member states, which tend to be restrictive towards immigration and the very few contacts with the more human rights oriented EP. In all, the distribution and meaning of capital in the field means that beneath DG JHA’s formal responsibility for the
issue of irregular immigration runs also an informal and largely unreflected logic that reinforces its power and authorizes restrictive prognostic frames.

By studying how each DG’s standard operating procedures shapes the habitus, it was moreover shown that DG Employment was colored by its relations to social partners, the Relex family by its close ties to third countries, and DG JHA mainly by its relation to member states. They were all used to seeing things from the perspective of their main counterpart and to suggest policy proposals that were likely to be accepted by them, which has most influence over the prognostic framing. Hence, the fact that DG JHA is the most powerful, the prognostic frames found in the Commission documents since at least the turn of the millennium are most often theirs (in the 1990s, it was most probably its predecessor the Task Force for Justice and Home Affairs, and in the 1970s and 1980s most probably DG Employment). Though it is of course incredibly tricky to state what the framing of irregular immigration would have been had the conditions been different, it is still fairly likely that if another DG been the primary framing actor, the prognostic frames would have looked somewhat different and more in line with the perspective of that DG’s counterparts, which is in general less restrictive. When analyzing the dispositions shared across DGs, it was found that interviewees actually considered the issue of irregular immigration a very complex issue that should be seen from a number of different perspectives. However, in the day-to-day work, where things have to move fast, it is more likely that they have to rely on their standard operating procedures rather than going through all the different perspectives available, which again means that the restrictive prognostic frames are more likely to be endorsed. Why the predominant diagnostic frame had on the hand been so focused on irregular immigrants as victims was at least to some extent explained by two aspects of the dispositions shared across DGs. One was the experience of critique against the Commission’s allegedly security oriented approach towards immigration. Including diagnostic frames that portrayed irregular immigrants as victims in their official documents can be seen as a way to prove that they are actually able to see the issue from another angle. It is also easy to do because it does not cost them symbolic capital, which similar prognostic frames would have. The other aspect is that Commission officials tend to value prognostic frames that are in favor of the protection of rights differently from those that are in favor of averting immigration. While the former are considered nice, but idealistic and unrealistic, the latter are deemed realistic. Hence, they will not only favor prognostic frames that are averting immigration, but they will probably compensate for this by showing again that they do see also the other side of the coin, which is done by diagnostically emphasize frames that consider irregular immigrants as victims.

This chapter has thus shown how the findings of the previous chapters can largely be attributed to the organization of the field, the distribution of power, and the habitus and how these give the tacit support to di-
agnostic frames that portray irregular immigrants as victims but prognostic frames that above all seek to avert immigration. Rather than these kinds of frames being the result of rational actors’ strategic intentions (to expand the number of threats), the emphasis on irregular immigrants as victims that are met with restrictive policy solutions should be considered as an unintended consequence of the inner logic of the Commission field.
8. Conclusions

This chapter starts off with a summary of the findings in the empirical chapters. Then follows a concluding discussion on how the findings contribute to the theoretical advancement of threat construction research, as well as on what the empirical contributions are. After that there is a discussion about the prospects for change in the Commission’s framing of irregular immigration. At the end of the chapter, I provide some reflections on the benefits and weaknesses of the theoretical and methodological framework used, as well as some propositions for future research agendas.

Summary of the Empirical Findings

This dissertation established in the introduction that many of the bureaucracies that are influential in policy-making, also in the security policy field, do not plainly stand to gain from a threat expansion and do not necessarily have security dispositions. Thus, the aim of the dissertation was formulated as analyzing the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats (in contrast to the police and the military). To analyze this, the dissertation performed first an empirical investigation of the Commission’s diagnostic and prognostic framing of irregular immigration. It secondly empirically investigated how certain frames were authorized at the expense of others by the internal logic of the Commission. The findings from each of the three empirical chapters are here recapitulated. Since condensed summaries always run the risk of over-simplifying complex findings, for a fuller and more detailed description of the Commission’s framing and inner logic, the reader is referred to the empirical chapters.

Diagnostic frames: Defining Irregular Immigrants as Victims

The chapter investigating the Commission’s diagnostic framing of irregular immigration 1974-2009 reached some clear results. The first concerned which term that the Commission has applied to the phenomenon. The preferred term throughout the years has been “illegal” immigration, rather than “irregular”, “clandestine” or “undocumented”, even though the term “ille-
gal” supposedly is much more associated with a criminalized view of irregular immigrants. The second was that the issue of irregular immigration has moved from being a marginal issue in the 70s, 80s and 90s to a position on the center stage in the 2000s. The most important finding was, however, that the most common way for the Commission to diagnostically frame the issue was the Irregular Immigrants as Victims frame. This frame portrayed irregular immigrants as easy targets for exploitation, as victims on the journey to Europe or as marginalised in society and was the most used frame in all time periods, from the 70s to the end of the 00s. The general discourse that the Victims frame was part of considered irregular immigration primarily a threat to immigrants themselves. The most common understanding of irregular immigration was thus that it left irregular immigrants very vulnerable, not that it posed a threat to the EU.

The other diagnostic frames used by the Commission were the Socio-Economic Threat frame, the Threat to the EU Migration Policy frame, the Securitarian Threat frame, the Normalising frame and the Economic Benefit frame.224 The Socio-Economic Threat frame depicted irregular immigrants as taking up illegal employment and thus distorting the market and undermining the welfare society. When using the Threat to the EU Migration Policy frame, the Commission furthermore pointed out how it saw irregular immigration as a threat to both the EU and immigrants at large by arguing that irregular immigration undermined the credibility of the overall migration policy as well as fostered negative attitudes towards legal migrants. Both the Socio-Economic Threat frame and the Threat to the EU Migration Policy frame were found in all four time periods. The Securitarian threat frame, on the other hand, appeared for the first time in the 90s and became more important in the 2000s. It considered irregular immigration as linked to organized crime and as a source of insecurity. Though sometimes depicting irregular immigrants as victims, most regularly the Socio-Economic Threat frame, the Threat to the EU Migration Policy frame and the Securitarian Threat frame placed irregular immigration in a discourse that represented them as a Threat to the EU. All of these frames were, however, present to a lesser extent in the studied material than the Victims frame, though the difference was a bit less emphasized on the level of discourse (i.e. between the discourse that sees irregular immigration as a threat to immigrants and the discourse that sees is as a threat to the EU). Two frames that were of low weight, but that differed from the other ones in that they considered irregular

224 One may also want to note that out of Tsoukala’s classification of different negative understandings of immigration (2005: 175), referred to in the theoretical chapter, (i.e. the Securitarian Threat, the Socio-Economic Threat, and an Identity Threat), formulations falling under an Identity Threat frame were entirely absent in the analysed Commission documents. The Commission bureaucrats in this sense differ from some more or less influential nationalist politicians that have argued in public debate that immigration for instance threatens European Christian values.
immigration as Non-Threatening, were the Normalising frame and the Economic Benefit frame respectively.

The finding of the first empirical chapter was hence that the most common way to define irregular immigration was in accordance with the Irregular Immigrants as Victims frame, within a discourse that saw irregular immigration as a Threat to Immigrants. The presence of a politics of exception was moreover hardly there at all, whereas the politics of unease was present in the context of the discourse of irregular immigration as a Threat to the EU (portraying irregular immigration as a Socio-economic threat, a threat to the EU Migration Policy and a Securitarian threat), but only to a lesser extent than the Victims frame. Thus, the Commission’s diagnostic framing contributes to the construction of irregular immigration as a threat to the EU, but only to a relatively low extent.

Prognostic frames: Preferring Policy Solutions that Seek to Avert Immigration

Also the chapter that analyzed the Commission’s prognostic framing of irregular immigration 1974-2009 resulted in interesting findings. The first finding was that the policy solutions advocated by the Commission in the 70s and 80s were few and to quite some extent characterized by a labor market perspective that emphasized both the fight against illegal employment and the protection of workers’ rights. In the 90s, however, there was a sharp rise in how many different prognostic frames that appeared in the studied material, more than double the amount than during the 70s and 80s (11 compared to 5). This meant that the Commission already in the 90s had quite a grip on what solutions that it saw as possible in the area of irregular immigration. In contrast to the findings on the diagnostic frames, there was no one singular prognostic frame that held the position as the most used throughout the whole time studied. Instead, what prognostic frame that was the most popular fluctuated over the four time periods studied.

In the 70s and 80s, the frame that sought to Combat Illegal Employment was the most popular, whereas in the 90s, it was the Border Control frame. In the first half of the 2000s, the most common frame was the Return Policy frame, and then in the second half of the 2000s, it was again the Border Control frame. The rest of the analyzed frames: Surveillance; Financial Assistance to Third Countries; Information Exchange between Member States; Fight Trafficking; More Legal Ways into the EU; Take Care of Victims; Information Campaigns; Protection of Rights; and Visa Policy, have generally gone through some ups and downs as regards their popularity. In total, however, the three most prominent prognostic frames were the Border Control frame, The Return Policy frame and the Surveillance frame,
all of which fell within a grand strategy of Averting Immigration. Moreover, even though the prognostic frame that was the most used varied between the time periods, the grand strategy of Averting Immigration kept the top position in all four. If one looked at the three top positions a further pattern emerged. The grand strategy of Averting Immigration did not capture these from beginning to end, but it did so to an increasing extent over the years, which implies that prognostic frames falling under the grand strategy of Averting Immigration became increasingly central to the Commission over the years. This was not the case for the grand strategies that were more aimed at assisting immigrants, which included the grand strategies of Open up to Legal Immigration, Helping Immigrants and Provide Rights to Irregular Immigrants. These three grand strategies were moreover, seen in terms of the number of total documents that they were brought up in, by and large among the least popular of all. Averting Immigration was in total the most popular grand strategy. Of second importance were those prognostic frames that were part of a grand strategy that mixed Helping and Averting Immigration.

The main finding of the second empirical chapter was thus that the most preferred policy solutions to the issue of irregular immigration were those that fell within the grand strategy of Averting Immigration, especially in the 2000s, most prominently through prognostic frames that stressed the need of control, surveillance and effective returns. This emphasis shows a large presence of the politics of unease, whereas there was only a very limited manifestation of a politics of exception (the incarceration of captured irregular immigrants can be seen as one example of that). Thus, the Commission’s prognostic framing of irregular immigration contributes to the construction of irregular immigration as a threat to quite a large extent.

Having analyzed both the Commission’s diagnostic and prognostic framing of irregular immigration, one could moreover draw the conclusion that the two do not correspond very well to each other. Whereas the most popular diagnostic frame saw irregular immigrants as victims, the number one prognostic frames were all seeking to avert immigration. On the level of discourse and grand strategy this mismatch was again reinforced, though perhaps a little less emphasized. The division between the discourse that saw irregular immigration as a threat to immigrants and the discourse that saw irregular immigration as a threat to the EU was almost equal, while the grand strategy of averting immigration was much more present than the grand strategies of helping, providing rights to irregular immigrants and opening up to legal immigration. What this means for the overall contribution to threat construction I return to shortly. First, however, I recapitulate the findings of the empirical chapter on how certain frames are authorized by the inner logic of the Commission bureaucracy.
Internal Logic of the Commission: The Importance of Field, Capital and Habitus

The analysis of the Commission field showed that the Commission has gone from being a marginal actor concerning the issue of irregular immigration in the 70s and 80s, to have the sole right of initiative in the second half of the 2000s. Moreover, at the center of the evolution of the field there had been three main participants: DG JHA, DG Employment as well as the Relex family. They considered each other as parts of one and the same Commission, but at the same time as decidedly distinct from each other and representing different perspectives on issues at large, as well as with respect to regular and irregular immigration. During the evolution of the field, a number of struggles concerning who should be responsible for immigration issues surfaced between the DGs. DG Employment was by default the main actor in the Commission concerning the issue in the 70s, but was challenged in the 90s by the forerunner to DG JHA, the Task Force for Justice and Home Affairs. For largely arbitrary reasons (the resignation of the Santer Commission), DG JHA came out on top and at the turn of the millennium was handed the responsibility for the issue of irregular (and regular) immigration. Another struggle, though probably less decisive than the previous one, appeared between DG JHA and the Relex family in the 2000s when the external dimension of immigration was introduced. DG JHA prevailed also this time, although the input by the Relex family should probably not be underestimated. In all, this meant that DG JHA was in a privileged situation compared to the other DGs as regards the framing of irregular immigration, at least since 1999.

In analyzing the distribution of capital among the participants in the field, it became clear that DG JHA’s formal position in charge was reflected in how economic capital was divided. The amount of personnel dedicated to the task of irregular immigration in DG JHA outnumbered the amount in the other DGs. Moreover, the EU funds with aims that included the issue of irregular immigration were controlled principally by DG JHA, although one of the DGs of the Relex family had taken over one of the funds in later years. DG JHA was, however, not only ahead of the other DGs in terms of formal economic capital, but also as regards the distribution of informal and tacit symbolic capital. To gain symbolic capital in the Commission, officials had to be able to prove their competence and willingness to move forward in policy-making. This was so because the main issue at stake in the Commission field was the formulation of sound policies, and ensuring that they get adopted by the EU. Everything that was done in the Commission at core revolved around that, which meant that to be seen as a competent and legitimate speaker as regards the issue of irregular immigration, officials had to show that they were “realistic”. This was in practice done by
not taking a position too far away from the member states’ positions, which in turn translated to being in favor of restrictive prognostic frames, i.e. such frames that belonged to a grand strategy of Averting Immigration. Of the relevant participants within the Commission, DG JHA did so the most, and thus also held the most symbolic capital. Moreover, there was a Commission routine that reinforced what counted as symbolic capital in the field and that was the very close contacts between the Commission and the member states, which tend to be restrictive towards immigration and the very few contacts with the more human rights oriented EP (despite the fact that officials themselves often saw the Commission as balancing between the member states and the EP). In all, the distribution and meaning of capital in the field meant that beneath DG JHA’s formal responsibility for the issue of irregular immigration ran also an informal and largely unreflected logic that strengthened that DG’s power and authorized prognostic frames that sought to avert immigration.

By studying how each DG’s standard operating procedures shaped the habitus, it was moreover shown that DG Employment was colored by its relations to social partners, the Relex family by its close ties to third countries, and DG JHA mainly by its close relation to member states. Officials in the DGs were used to seeing things from the perspective of these partners and to suggest policy solutions that were likely to be accepted by them, which had most influence over the prognostic framing. Hence, the fact that DG JHA was the most powerful, the prognostic frames found in the Commission documents since at least the turn of the millennium were most often theirs (in the 90s, it was most probably its predecessor the Task Force for Justice and Home Affairs, and in the 70s and 80s it was DG Employment). Moreover, it seemed to matter who was the main framing actor. The prominent labor market perspective of the 70s and 80s most likely had much to do with the fact that DG Employment was the main Commission actor then, and acted in accordance with its standard operating procedures when it underlined the need to fight illegal employment and to protect irregular workers’ rights. When DG JHA turned out in the lead in the 2000s, its close ties to the member states (in addition to the parallel deepened border cooperation) started instead to authorize prognostic frames that emphasized control, surveillance and return. When analyzing the dispositions shared across DGs, it was found that interviewees actually considered the issue of irregular immigration a very complex issue that should be seen from a number of different perspectives. However, in the day-to-day work, where things had to move fast, it seemed more likely that they had to rely on their standard operating procedures rather than going through all the different perspectives available, which again meant that the restrictive prognostic frames were more likely to be endorsed. Why the predominant diagnostic frame had been so focused on irregular immigrants as victims could, at least to some extent, be attributed to two aspects of the dispositions shared across DGs. One was
the experience of critique against the EU’s and the Commission’s allegedly security oriented approach towards immigration. By including diagnostic frames that portrayed irregular immigrants as victims in their official documents, they could meet that critique by proving that they were actually able to see the issue also from another angle, which they very genuinely were. To diagnostically frame irregular immigrants as victims was moreover easy to do because it did not cost the officials any symbolic capital, which similar prognostic frames would have. The other aspect was that some Commission officials tended to value prognostic frames that were mainly seeking to assist irregular immigrants differently from those that were in favor of averting immigration. While the former were deemed nice, but idealistic and unrealistic, the latter were considered realistic and as moving policy-making forward. Hence, one could assume that officials would not only favor prognostic frames that are averting immigration, but they would probably compensate for this by showing again that they did see also the other side of the coin, which was done by diagnostically emphasize frames that consider irregular immigrants as victims.

The third empirical chapter accordingly showed how the findings of the previous chapters largely were made possible by the inner logic of the Commission, i.e. the organization of the field, the distribution of power, and the habitus and how these tacitly authorized diagnostic frames that portrayed irregular immigrants as victims but prognostic frames that above all sought to avert immigration. Rather than these kinds of frames being the result of rational actors’ strategic intentions (to expand the number of threats), the emphasis on irregular immigrants as victims that were met with restrictive policy solutions should be considered an unintended consequence of the inner logic of the Commission field.

If returning to the figure from the introductory chapter, one could hence summarize the empirical findings thus:
### Threat Construction in a bureaucracy without an interest in threat expansion

<table>
<thead>
<tr>
<th>Extent of contribution to threat construction</th>
<th>How frames are authorized by the inner logic of the bureaucracy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assessed along two dimensions of policy:</strong></td>
<td><strong>The inner logic of the bureaucracy:</strong></td>
</tr>
<tr>
<td><em>Diagnostic frames (problem definitions):</em></td>
<td><em>Field developments:</em></td>
</tr>
<tr>
<td>Frame level: Victim frame most common throughout the period</td>
<td>At stake in the field: to formulate sound policies and get them adopted</td>
</tr>
<tr>
<td>Discourse level: discourse that sees irregular immigration as threats to immigrants most common, and discourse that sees it as threat to the EU a little less common</td>
<td>Participants: DG JHA, DG Employment and the Relex family</td>
</tr>
<tr>
<td><em>Prognostic frames (policy solutions):</em></td>
<td>DG JHA as the winner of historical struggles for power as concerns irregular immigration</td>
</tr>
<tr>
<td>Frame level: Border control, Return Policy and Surveillance were in total the most common frames</td>
<td><em>Distribution of Capital:</em> Symbolic capital gained by proving a will to move forward in policy-making, which equals being restrictive (i.e. seek to avert immigration)</td>
</tr>
<tr>
<td>Grand strategy level: grand strategy that seeks to avert immigration much more common than alternative grand strategies</td>
<td>DG JHA has the most symbolic and material capital.</td>
</tr>
<tr>
<td><strong>Hence:</strong></td>
<td><em>Habitus (Shared dispositions):</em> Standard Operating Procedures important. Those in charge, DG JHA, very influenced by its close ties to MS. DG Employment very influenced by social partners. The Relex family very influenced by third countries.</td>
</tr>
<tr>
<td>Diagnostic frames do not mainly portray irregular immigration as a threat to the EU</td>
<td>Officials in all DGs view irregular immigration as a complex issue. No express interests in threat expansion.</td>
</tr>
<tr>
<td>Prognostic frames mainly consider irregular immigration as a threat to the EU</td>
<td><strong>Hence:</strong> Threat construction as an unintended consequence, not the explicit will or interest of some participants.</td>
</tr>
<tr>
<td>Most common diagnostic and prognostic frames do not correspond to each other</td>
<td>Member states powerful, not only formally, but informally and unreflectedly in the minds and bodies of JHA officials.</td>
</tr>
<tr>
<td>The threat framing that does exist, is mostly in accordance with the politics of unease rather than exception</td>
<td></td>
</tr>
<tr>
<td>Contributes to threat construction mainly as regards prognostic framing</td>
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Concluding Discussion and Contributions to Research

Advancing the Study of Threat Construction by considering it a Combination of two Dimensions

Having recapitulated the empirical findings, it is time to discuss what insights they offer as concerns the contribution to threat construction by a bureaucracy whose interests and dispositions are not to expand the number of threats. As the frame analysis showed, the Commission does contribute to threat construction by sometimes defining irregular immigration as a threat to the EU, and by very often advocating policy solutions aimed at averting immigration. The contribution to threat construction is thus an increase (and mostly in accordance with a politics of unease rather than a politics of exception). That said, the empirical findings interestingly also showed that the contribution to threat construction is highly multifaceted, because while there were definitions of irregular immigrants as a threat to the EU, they were actually present less often than definitions that perceived of irregular immigrants as victims, and this should not be forgotten in discussions on threat construction. Moreover, the policy solutions that sought to avert immigration were advocated much more often than the policy solutions that sought to open up to legal immigration, helping immigrants and provide rights to irregular immigrants, which demonstrates how the most prominent definition of irregular immigrants as victims was mismatched by policy solutions that sought to control, supervise and return migrants. This mismatch between problem definitions and policy solutions should be taken into account when determining the overall extent to which the Commission contributes to threat construction. I propose therefore to think of threat construction as a combination of the two policy dimensions; one dimension representing the extent to which the issue is diagnostically framed as a threat, and one representing the extent to which the issue is prognostically framed as a threat. Doing so captures the combined extent of threat construction, while at the same time not missing the differences between diagnostic and prognostic framing. Recalling the findings of the empirical chapters on frames, one could hence conclude that in the 1970s/1980s the combined threat construction was rather low, since both the diagnostic and the prognostic frames that considered irregular immigration as a threat were relatively few. In the 1990s, and again in the 2000s, the combined extent of threat

\[225\] To do so, one needs to weigh threat to the EU definitions against the alternative definitions.

\[226\] To do so, one needs to weigh policy solutions seeking to avert immigration against alternative solutions.
construction has markedly grown. This growth has, however, been almost singly due to the increase in prognostic frames that seek to avert immigration, not owing to change in the diagnostic frames, which have remained relatively low.

The empirical findings thus have theoretical implications. The merit of considering threat construction as a combination of two dimensions is best revealed when comparing its results to those that would have been the case had other scholars’ theoretical approaches to threat construction instead been applied. For instance, researchers applying strictly the Copenhagen school’s original securitization concept (Buzan, Wæver & de Wilde 1998) would most likely conclude that since irregular immigration is not defined as an existential threat by the Commission, the Commission should not be considered a securitization actor (and thus not as contributing to threat construction). As the empirical findings have shown, and as is shown when considering threat construction along two dimensions, that conclusion would completely overlook how far the prognostic frames were aimed at averting immigration, especially in the later time periods. Moreover, those like Sjöstedt (2013, 146), who considered problem definitions and policy solutions only as one single whole, not as two separate dimensions, would miss all those occasions when threat solutions were not accompanied with threat definitions. And as the empirical findings showed, these were many, since irregular immigrants were actually most often defined as victims, not as threats to the EU. Those scholars that on the other hand would focus mostly on policy solutions (i.e. actions rather than definitions), to which category Bigo (2000) would probably largely belong, would reach the conclusion that the Commission goes very far in threat construction since policy solutions to such a large extent are aimed at averting immigration. This would, however, miss how far the Commission also goes in defining irregular immigrants not as threats, but as victims. Neither of these three research approaches would hence be able to capture the complexity of the Commission’s framing of irregular immigration that was exposed in the empirical findings of this dissertation and that are brought to the foreground by considering threat construction as a combination of two dimensions. It is therefore imperative to acknowledge that threat framing has two dimensions, which not necessarily correspond and point in the same direction. Moreover, as stressed already in the introductory chapter, both are important to study since they are often directed to different audiences and therefore may affect the supposedly

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227 It should be stated that scholars using the concept of securitization have actually concluded in various studies (though not of the Commission) that immigration has been securitized, but they have often used the concept more widely than the original definition. One who has applied it more narrowly is Boswell (2007), and she then reached the conclusion that there was no securitization after 9/11. (Her conceptualization was however maybe too narrow, since it only saw securitization as present when immigration was seen as contributing to terrorism specifically).
threatening issue in dissimilar ways. While problem definitions are targeted to both the general public and policy-making institutions, and thus may affect the threat mostly indirectly via public sentiments, the suggestion of policy solutions are targeted only to policy-making institutions and thus affect the threat very directly if the solutions are implemented. Hence, neither problem definitions nor policy solutions should be overlooked in research on threat construction, and they should be studied separately since, as the empirics showed, they may point in rather different directions.

To think of threat construction as a combination of two dimensions, with one dimension representing diagnostic frames and one representing prognostic frames, should be seen as an important theoretical contribution to the study of threat construction. This is so since it can usefully be applied by other scholars that are interested in the extent to which a certain actor (not necessarily a bureaucracy) contributes to the threat construction of a certain issue (not necessarily irregular immigration). By including problem definitions and policy solutions simultaneously separately and jointly, in contrast to many previous approaches, the researcher is able to capture both the combined extent of threat construction as well as the possibility of the issue not being framed as a threat to the same extent in problem definitions and policy solutions. This approach is moreover able to work as a basis for discussing how the supposed threat is affected since it, again in contrast to many previous approaches, is not blind to the fact that problem definitions and policy solutions target partly different audiences and therefore may affect the supposed threat in different ways (indirectly vs. directly). Thus, this way to think of threat construction can beneficially be “generalized” to other studies of threat construction.

The empirical results in this dissertation have further theoretical consequences. It namely complicates how scholars should think about the opposite of threat construction, i.e. what Wæver and colleagues (Buzan, Wæver & de Wilde 1998) call a desecuritization. Just like they argue, it involves bringing issues back from a security logic to normal politics. However, unlike their idea of how this is done by no longer defining the issue as an existential threat, the findings of this dissertation imply that such a reformulation of the definition is not enough. One must also take into account what policy solutions that are being advocated. For example, as described above, scholars, NGOs, etc. have often advocated the EU’s reformulation of the term “illegal immigration” (which the empirical analysis showed that the Commission uses to a very large extent) to alternative terms that are not linked to a criminalized view of immigrants, e.g. “irregular” or “undocumented” (see e.g. Bigo, Guild & Carrera 2009, 11; Geddie & LeVoy 2009, 8; MRCI 2007, 7).228 While there can be good arguments for doing this, the

228 My impression of what has occurred in the Commission communications after 2009 (i.e. after the year that my empirical investigation ends), is that the Commission has actually start-
findings of the dissertation suggest that such a reformulation still would not change much as regards today’s extent of threat construction. The Commission’s most prominent diagnostic framing of irregular immigrants is already that they are victims, which means that the reformulation from “illegal” to e.g. “undocumented” would not change much in how irregular immigrants are perceived by officials. The Commission’s extent of threat construction would hence not change much just because they abandoned the use of the term “illegal” (though it can for other reasons still be appropriate to do so). Instead, for the extent of the Commission’s threat construction to really change, what is needed in this case is a change in what policy solutions that are advocated. For the overall way to think about the opposite of threat construction, this means, again, that it is imperative to consider both its dimensions. For a threat construction to decrease, it is necessary that both the diagnostic and the prognostic framing that depicts the issue as a threat are reduced.

The Commission Bureaucracy authorizes Threat Construction as an Unintended Consequence

Having thus discussed the Commission’s extent of threat construction and the theoretical implications thereof, we now turn to the theoretical consequences of having studied the internal logic of the Commission bureaucracy. As seen above, the empirical findings demonstrated how important it was to study the inner logic of the Commission to be able to understand how certain frames were authorized at the expense of others. The concepts of field, capital and habitus proved very useful for doing this. By finding out that the main issue at stake in the field was the formulation of sound policies and getting them adopted by the EU, the study was able to show how everything that was done within the Commission at core revolved around moving policy-making forward. This in turn made those actors powerful that were able to prove themselves realistic, which actors mainly were when they situated themselves not too distant from the more restrictive stance of member states. This made DG JHA strong on capital since this is what they did in their standard operating procedures, while DG Employment tended to land closer to the social partners and DGs of the Relex family closer to third countries. Thus, the quite large extent of threat construction in terms of prognostic frames appeared not because of someone’s express interest in threat expansion or because they believed that restrictive measures were the only solution to solve the problems they perceived as linked to irregular immigration.

ed to use the term “illegal” less and increasingly applies the terms “undocumented” and “irregular” immigration. Also the European Parliament has called for the usage of “irregular” rather than “illegal” (European Parliament 2011, P7_TA-PROV(2011)09-13).
Quite to the contrary of such intentions, officials across DGs actually agreed on how irregular immigration was indeed a very complex issue with no easy solutions. Instead, the threat construction (and the mismatch between problem definitions and policy solutions) should be seen as an unintended consequence. This of course does not mean that DG JHA did not gain from the restrictive prognostic frames. It largely did since its restrictive framing tended to provide it more capital, both symbolic and material. What it does mean is that DG JHA officials were not aware of this themselves. They largely just acted out of a feeling for the game, in accordance with what seemed right to their habitus. The quite large extent to which the Commission contributed to threat construction (mainly the large extent of policy solutions seeking to avert immigration) was hence made possible as an unintended consequence of the inner logic of the Commission. And this, importantly, has a couple of theoretical implications. First of all, it highlights the importance not to, in contrast to Bigo (2000; 2001a; 2002), pre-empirically limit threat construction analysis to those actors that have a clear interest in threat expansion, such as the security professionals. Nor should one, as Boswell (2007), rely on the assumption that the absence of a bureaucracy’s clear interests automatically prevents threat construction. The empirical findings of this dissertation instead show that threat construction can appear both when no clear interests or intentions are present, and that a bureaucracy without a clear interest in threat expansion and with no security dispositions may generate threat construction rather than impede it. Thus, the findings of this dissertation encourage more studies of other bureaucracies and similar institutions without a clear interest in threat construction. This new way to think of threat construction as an unintended consequence can be used in further studies. Moreover, such studies are also advised to, similar to this dissertation, steer clear of seeing the bureaucracy as a unitary actor when studying the inner logic. Instead, the black box of the bureaucracy needs to be further opened.

Secondly, as evidenced by the empirical findings of this dissertation, the inner logic of the bureaucracy is very suitable to study to understand how the extent of threat construction, in its both dimensions, was made possible. When threat construction is not a rational endeavor, but an unintended consequence, scholars cannot limit research to the studied actors’ intentions and views, but need to get to the bottom, to the tacit logic that lies beneath. In this study of the Commission’s inner logic, this can, for instance, be exemplified by how Commission officials’ habitus are highly inscribed with the objective of “moving forward” in policy-making, which authorizes

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229 The term consequence is somewhat misleading, since it implies a cause–effect relation, when this dissertation is in fact more concerned with constitutive relations (“how was it made possible”) than causal relations. I still use the term “unintended consequence” as it is an established concept in Political Science and thus should be able to lead the reader to rather intuitively understand what it concerns.
policy solutions that mainly seek to avert immigration. Even though officials do think that different kinds of policy solutions are needed, they advocate first and foremost those that seek to avert immigration because only these are considered realistically to move policy-making forward. When it comes to problem definitions, however, officials’ habitus are not restrained by moving policy forward and can there show how they actually consider irregular immigrants mostly as victims. Thus, as a researcher, one cannot simply ask what the actor in question wants, in order to understand what it will do and whether it will contribute to threat construction (and this is again the mistake that both Bigo and Boswell make), but one has to study the logic beneath. This leads me to argue that the concepts used for analysis in the third empirical part of this dissertation, i.e. field, capital and habitus, are suitable also for other studies interested in how threat construction is made possible.

A further theoretical implication has to do with how to view the countering of threat construction, or desecuritization. Since this dissertation finds that threat construction can be an unintended consequence, i.e. arise also when the institution studied does not so itself wish, aim at or profit from, there is a need to rethink how threat construction is countered. In their 1998 book on the concept of securitization, Buzan, Waever & de Wilde argued that desecuritization meant bringing an issue back to normal politics, which occurred when it was reformulated from an existential threat to a normal political issue. Nevertheless, as stated above, such a reformulation may not change much as regards the extent of threat construction. To decrease threat construction it may not be enough to define the issue differently since policy solutions do not necessarily follow from similar problem definitions, as evidenced by the mismatch between the definition of victims and the solutions that sought to avert immigrants. Instead, they are both authorized by the inner logic of the bureaucracy. Hence, to change the extent of threat construction and in this case the prognostic frames in particular, one must change the inner logic of the bureaucracy. Desecuritization thus comes not necessarily from a superficial reformulation of the threat definition as Buzan, Waever & de Wilde thought, but from an altered inner logic of the field.

As should be clear by now, the informal habits and the tacit logic are very important for authorizing certain frames over others, and thus to determine the extent of threat construction. If one would want to lessen the extent of threat construction in the Commission, it would therefore be imperative to change the tacit logic. This, importantly, means that it would not be enough to only change formal rules. As was seen in the empirical chapter on the Commission bureaucracy, DG JHA is much closer to the member states, which in general are rather restrictive, than it is to the EP, which tend to be more human rights oriented. For example, the fact that DG JHA is in close contact with member states during the initial stages of drafting proposals, while it has basically no contacts at all with the EP at those stages,
seems to shape the habitus of officials in DG JHA (in a way that is different from officials working in the other DGs, that are more disposed to taking the perspective of third countries and social partners) and gives the member states valuable opportunities to shape the proposals in the direction they want. This is interesting because it suggests that member states have an indirect, tacit and habitual power over the Commission’s framing of irregular immigration. In the EU research literature, the member states often take centre stage in analysis based on the argument that the Council is, after all, the decision-maker (see e.g. Moravscik 1999). After co-decision was introduced between the Council and the EP, this is formally no longer the case, and based on formal rules, researchers would be inclined to argue that the Council and the EP now are equals. What my findings here suggest, however, are that member states still have an unproportional power within the Commission. To reduce its power within the Commission and provide the EP with more, in order to reduce the extent of threat construction, one cannot simply change decision-making rules, since that has already been done. Instead, the tacit logic needs to be changed. Only then will the Commission officials’ habitus, which signals to them that contacts with the member states of the Council are normal procedure and that contacts with the EP are not, be changed. Thus, in short, to change the extent of threat construction, one cannot rely simply on changing formal rules, the informal and unreflected rules or patterns of behaviour are at least as important.

Thus, a bureaucracy without a clear interest in threat expansion can participate in threat construction. As shown in this dissertation, it can do so by contributing to threat construction in two separate dimensions that do not necessarily match each other; problem definitions and policy solutions. Moreover, this contribution to threat construction is not necessarily the result of someone’s express interest, but may appear as an unintended consequence of the tacit inner logic of the bureaucracy.

**Empirical Contribution**

In terms of empirical contributions, this dissertation has delivered two things above all. First, a thorough knowledge of the policies that the Commission has advocated and stands for, and secondly, insights on how the characteristics of those policies stem from the internal logic of the Commission. Here I present how these empirical findings contribute to the existing body of literature on the EU’s immigration policy. I also briefly discuss how the policies are likely to affect irregular immigrants on the ground.

Since the empirical investigation showed that the Commission’s diagnostic framing primarily considered irregular immigrants as victims and its prognostic framing mainly as a threat to the EU, my conclusion was that there is a mismatch between the diagnostic and the prognostic framing. One
might also express this mismatch as though the Commission’s preferred policy approach to irregular immigration is contradictory. The Commission identifies the problem as being one of vulnerable immigrants, but nonetheless selects policy solutions that rather than helping these vulnerable immigrants seek to avert them. If one consults the research on the EU’s immigration policy, a number of researchers have indeed pointed out similar kinds of contradictions in other parts of the EU’s immigration policy. Hansen, for example, mentions that the EU in its labor migration policy at once argues that it is in huge need of labor immigration and at the same time does its utmost to hamper immigration (Hansen 2008, 14-15). Likewise, Lavenex notices how the EU’s refugee policy is colored by both an internal security perspective and a human rights perspective (Lavenex 2001). Kostakopoulou sees a clash between the liberal free movement approach to intra-EU migration and the very restrictive attitude to immigration for non-EU citizens (Kostakopoulou 2000, 506), while Morris highlights that the EU simultaneously underlines the need for immigration control and prioritizes the issue of integration of non-EU nationals, thus identifying a contradiction between exclusion and integration (Morris 1997, 203). The findings in this dissertation thus empirically show that the many contradictions that have hitherto been pointed out within the EU’s immigration policy are present also in the part that concerns irregular immigration.

Moreover, as stated in the introduction, some scholars have argued that the Commission is a counterweight to the restrictive member states as concerns the immigration policy (see e.g. Monar 2002, 201). Though that may in some cases be true, the findings of this dissertation suggest that the relation between the Council and the Commission is more complex than that. Even if the Commission diagnostically framed irregular immigrants as victims, the prognostic frames were nevertheless mostly restrictive in character (especially in the later time periods) and it is thus highly questionable to label the Commission a counterweight to the restrictive Council. To determine how close or distant the Commission and the Council are on the matter, one would, of course, need to study exactly how restrictive the member states really are, which I have not done in this dissertation (to do so would have required the same kind of empirical frame analysis of the Council). Though far from certain, it may well be the case that the view of irregular immigrants as victims would not be found in the Council to the same extent. Similarly, the Commission’s few prognostic frames that sought mainly to open up to more legal routes, help immigrants, or provide rights to them, would perhaps be found to even less extent among the member states of the Council. If so, the Commission is in some sense a counterweight to the Council. At the same time, the extent to which the Commission advocated policy solutions that sought to avert immigration was significant and in view of this it is hard to call it a counterweight since that gives the impression of the Commission really making the scales even between the Council’s restric-
tiveness and the Commission’s openness, and that is simply not the situation. A better way to describe the relation between the Council and the Commission in the case of irregular immigration would be to paint a picture where the Commission puts some weights in the opposite scales of the Council (the diagnostic frames part), but then at the same time putting at least equal amounts of weights on the same scales as the Council (the prognostic frames part). The overall result thus being not a counterweight, but someone that actually supports the Council’s selected policy road. The findings of this dissertation hence question the existing literature’s labeling of the Commission as a downright counterweight to the Council’s preferred immigration policy (though it sometimes does go in an opposite direction of the Council).

In addition to the insights regarding the nature of the Commission’s policy on irregular immigration and its relation to the Council, the empirical findings also tells something new about the drivers of the EU immigration policy. As mentioned in chapter two, in the existing literature two main reasons are identified as moving the EU immigration policy forward and giving it its distinct nature: spill-over effects from economic integration and the increasing amount of asylum-seekers to Western Europe (den Boer & Wallace 2000; Monar 2001a; Turnbull & Sandholtz 2001; Andersson 2008). What this dissertation has been able to provide is, however, a complementary “reason”, namely the internal logic of the Commission bureaucracy, i.e. the structure of the field, the distribution of capital and the officials’ habitus. The features of the bureaucracy’s internal logic have been of great importance for authorizing some frames at the expense of others. My findings thus importantly add to the existing literature on how the EU’s immigration policy is shaped.

Furthermore, in light of the empirical findings, one probably starts to ponder what may be the consequences of the Commission’s framing of irregular immigration. As was stated early on in this dissertation, preferred diagnostic frames and prognostic frames have a tendency to affect the issue at hand in different ways. While diagnostic frames are directed both towards other policy-makers and the general public, prognostic frames are directed mainly towards other policy-makers (Balzacq 2005, 184-185; Roe 2008, 622). Thus, the former mostly affects irregular immigrants in indirect ways through public sentiments, whereas the latter affects them directly if the advocated policy solutions are indeed implemented. To reasonably estimate the impact that the Commission’s diagnostic framing of irregular immigrants as mostly victims one must remember that the general public are reached by a variety of sources for their impression of irregular immigrants, out of which the Commission is likely a minor player. Instead, it shares the stage with a combination of politicians, media, NGOs, activists and other moulders of public opinion. All of these together shape the way that the public views irregular immigrants. The conclusion to be drawn based on the findings of this dissertation is that the Commission, to the extent that it does
contribute to the public’s sentiments towards irregular immigrants, does so by mainly providing a picture of human beings in distress and in need of help. Thus, the Commission’s role in the public’s sentiments towards irregular immigrants should not be expected to generate harm to them. When it comes to the impact of its prognostic framing on the other hand, the picture is quite different. First of all, the Commission’s impact on irregular immigrants can be expected to be larger when it comes to prognostic frames than for diagnostic frames, since the Commission’s advocated policy solutions affect them more directly if they are implemented and since the Commission does not share its right to actual initiatives with all the actors that it shares the public stage with (i.e. media, NGOs, activists, etc.). The restrictive and control oriented policy solutions that the Commission is advocating has thus more impact on the lives of irregular immigrants, not least since many of them have become actual laws. As research has shown before, the more resources that are aimed at control, the more immigrants are driven “underground” (Düvell 2006, 238). This underground existence is characterized by deportability and the constant lack of regular everyday life and the lack of basic protection, as was described in more detail in chapter four. The Commission’s prognostic framing of irregular immigration thus leads to very hands-on effects on the lives of irregular immigrants.

Prospects for Change

Obviously it is always impossible to predict the future, but based on the present logic of the Commission field, one should not be surprised if the present extent of threat construction remained at least for the foreseeable future. As discussed above, to estimate the probability of an altered extent of threat construction, one needs to assess the likelihood of a changed tacit internal logic in the Commission. There is, however, very little that suggests that such a change is underway. It seems as though less restrictive policy solutions will continue to be seen along the lines of “nice, but unrealistic”, which means that they will not be taken seriously and will not be actually advocated.

Someone might perhaps suggest that the fact that DG JHA in 2010 was split into two new DGs; DG Home Affairs and DG Justice, might open up to a reduced extent of threat construction. Especially so in light of the empirical finding that different Commission DGs tend to differ in how they approach the issue of immigration (they were e.g. to different extents colored by their close contacts with member states (DG JHA), social partners (DG Employment) and third countries (DGs of the Relex family)). My impression, however, is that the split has not increased the likelihood of a reduced threat construction. It actually meant that issues of immigration, which were placed in DG Home, and issues of fundamental rights, which
were placed in DG Justice, only became further apart, which probably is not to the advantage of less restrictive policy solutions. That the different DGs have somewhat dissimilar approaches to immigration also indicates the significance of settling which DG that should be in charge over the issue of irregular immigration. A DG such as DG Employment tend to stress the labor market perspective, as seen e.g. in the documents from the 1970s, whereas DG JHA is more inclined to take the internal security perspective. At the same time, it also spurs the question of how much would actually change should the Commission today change which DG that was in the lead (although this is a very hypothetical discussion, since no such plans exist). My guess is that things would probably change, but not to the extent that the historical differences suggest. This is so not least because once a policy road is chosen it is very hard to go all the way back and change it altogether, due to path dependency. The largest difference would probably have been the case had DG Employment been in the lead all through the time periods, and DG JHA would have never become in charge. Mainly because DG Employment would then most likely just have continued with their well-established labor market perspective, which included migrants’ rights to a relatively large extent. Should there be a transition today, I believe that there would be comparably little room to change the road taken.

The likelihood of a changed tacit logic within the Commission is thus small. One external factor that may have an impact on it, is the role of the EP. As seen, the EP has so far in practice been of secondary importance in the Commission’s drafting of proposals. The question is, however, if the EP will continue to accept this backseat role, despite it being formally equal to the Council. How large role the EP will play, and whether that role will continue to be more human rights oriented than the Council’s, are questions whose answers might spur some changes in the tacit logic of the Commission. Depending on the answer, the extent of threat construction might then actually change in the long run. Thus far, however, no such change is in sight. Another factor is the role of external events. At the time of writing, hundreds of boat immigrants have very recently lost their lives in a boat accident outside the Italian island of Lampedusa (in 2013). This kind of tragic event is perhaps something that might propel change? Though there is no way to know for sure yet, I would not count on too much of a change. As this dissertation has argued, external events may be important, but they still have to be filtered through established fields and unless there is an extraordinary crisis, fields tend to be quite stable. In this case, my bet is that the Commission will continue down pretty much the same road as before, and officials will continue to worry about upsetting member states. It should thus come as no surprise that the Commission in the aftermath of the accident did point out the need for enhanced search and rescue operations in the Mediterranean, but otherwise mainly continued to stress more resources to Frontex

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and emphasized the importance of Eurosur, both of which have as stated goals to avert irregular immigration.

Post-study Reflections on the Theoretical and Methodological Framework

Having performed the whole investigation as well as discussed its results, it is time to share some of the reflections that I have made during the process as regards the theoretical and methodological framework applied. If we start with the benefits, I would argue that the main advantage is the comprehensiveness of the study. There are not many studies on threat construction based to the same extent on systematic analysis, as well as covering both the question of whether a certain actor is contributing to threat construction and the question of how threat construction was actually made possible. Moreover, the decision to part threat construction into two policy dimensions, i.e. diagnostic frames and prognostic frames, proved very fruitful. Had I not done so, the results would have been blind to how different they are and would, of course, not have understood the partly different bureaucratic logics that they follow. Equally fruitful was the decision to open up the black box of the Commission with the help of the Bourdieusian concepts of field, capital and habitus. This enabled a detailed analysis of how the various DGs had different amounts of the kind of capital that was valued in the Commission, how different habitus they had and how their position in the field had varied across the years, which turned out to have been quite important for how the Commission framed irregular immigration. This would not have been possible, had the Commission instead been viewed as one single whole. The Bourdieusian concept of habitus also brought to the fore the notion of practice, which proved useful when some officials said that the Commission was a broker between the Council and the EP. This assertion might have led the researcher to think of the Commission as the neutral point between Council and Parliament had it not been for the analysis of unreflected practice. When investigating instead how the Commission prepared policy proposals and who it invited to meetings, it became clear that at this stage it was only in contact with members of the Council. Thus, the concept of habitus made visible things that did not appear directly in the interviews.

As for the weaknesses of the chosen framework, there is above all one that should be stressed with some strength. This has to do with how the research findings are always partly the result of the research design. In this dissertation, this concerns most importantly the finding that the Commission contributes to threat construction, which has partly to do with the fairly far-reaching definition of threat as a scenario with negative conse-
quences. Had the definition of threat instead been that the issue had to be linguistically linked to terrorism, as is Boswell’s operationalized definition of securitization (2007), the extent to which the Commission could be seen as contributing to threat construction would have been much more limited. Then again, I would argue that Boswell’s definition is far too narrow (see footnote 3 in Chapter 1). My definition was deliberately quite extensive in order to fit the inductiveness of the study and let the empirics show what kind of negative consequences that the Commission pointed out, and whether they fit either of the politics of unease or the politics of exception. Thus, I think the decision to apply the rather far-reaching definition was appropriate. All the same, it should always be remembered that the definitions affect the results.

Avenues for Further Research

The findings in this dissertation lead to a number of potential research agendas for the future. Regarding threat construction, there are probably two main roads ahead. One stems from the finding that there in this study appeared threat construction even though the bureaucracy and the officials working there had little interest in or dispositions that sought to expand the number of threats (in contrast to e.g. the police and the military). Since there appeared an unintended threat construction in the Commission, there is a need to study if a similar kind of threat construction appears in other comparable bureaucracies with no immediate interest in threat expansion. The kind of bureaucracy that could be interesting might be found either on international, regional or national level. The other possible road ahead comes from the finding that there was a difference in how the issue of irregular immigration was diagnostically and prognostically framed. Thus arises the question whether this is a common difference present also in other policy issues. Expressed in general terms, the two questions that need to be asked to cumulatively increase the knowledge about how threat construction works are thus: do the same findings appear in other similar bureaucracies and for other kinds of policy issues?

In addition to the study of threat construction, the findings also provoke questions about the relationship between the Commission, the member states of the Council and the EP, something that has since long been one of the foci among scholars that specialize in EU research. There exists among EU scholars an ongoing debate about which institutions have the power to determine EU policies. Before co-decision, Moravcsik (1999), for example, argued that the Council should be the focus of attention since it held the final decision power. After co-decision was introduced, some have voiced that the importance of the EP have increased (see e.g. Maurer 2003, 244), which follows logically if one concentrates on formal decision power.
Thus, if one concentrates on formal decision-making rules, the Commission is the most important in the proposal stage, and the Council and the EP are equally important in the decision-taking stage. Some researchers have, however, argued that the decision-makers are important already at the proposal stage, since it seems that the Commission anticipates the Council’s views on its proposals and thus draft them in a way that will suit the Council (see e.g. Pollack 1997, 110; Hix 2005). What the findings of this dissertation show is indeed that the decision-making institution of the Council matters already when the Commission is drafting a proposal. At the same time it challenges the idea of anticipation as it has been perceived in the literature thus far. The idea namely builds on a rational anticipation, while the findings here suggest that the involvement of the Council is more complex than that. If the Commission only based its anticipatory actions on rationality, then it would anticipate the EP to the same extent as the Council since they are after all now equals in co-decision. In practice, however, this did not occur. In practice, the Commission (at least DG JHA) was much closer to the member states of the Council than to the EP. This had little to do with straight-up rationality, and much more to do with habitus, and its unreflected embodiment of history, which led officials to meet more with member states than with the EP during the critical stage of drafting proposals. The Council thus, in the case of irregular immigration, had important indirect power within the Commission to an extent that the EP did not. The next step for research should therefore be to study whether the same applies for other policy issues. If so, it might be time to reformulate the relationship between the Commission and the decision-makers, and base it more on unreflected practice than rationality.
## References

### List of Interviews

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<td>Commission official 3, in DG of the Relex family</td>
<td>2007-05-22</td>
</tr>
<tr>
<td>Commission official 4, in DG JHA</td>
<td>2007-05-23</td>
</tr>
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<td>Commission official 8, in DG of the Relex family</td>
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<td>Commission official 9, in DG of the Relex family</td>
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<tr>
<td>Commission official 10, in DG JHA</td>
<td>2009-10-09</td>
</tr>
<tr>
<td>Commission official 11, in DG JHA</td>
<td>2009-10-12</td>
</tr>
<tr>
<td>Commission official 12, in DG JHA</td>
<td>2009-10-12</td>
</tr>
<tr>
<td>Commission official 13, in DG of the Relex family</td>
<td>2009-10-16</td>
</tr>
<tr>
<td>Commission official 14, in DG Employment</td>
<td>2009-10-20</td>
</tr>
<tr>
<td>Commission official 15, in DG JHA</td>
<td>2009-11-11</td>
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<tr>
<td>Commission official 16, in DG Enlargement</td>
<td>2009-11-16</td>
</tr>
<tr>
<td>Commission official 17, in DG JHA</td>
<td>2009-11-17</td>
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<td>Official 30 in member state national administration</td>
<td>2007-05-10</td>
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</table>
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COM(2000) 757 final, Communication from the Commission to the Council and the European Parliament on a Community immigration policy*

COM(2001) 672 Communication from the commission to the council and European Parliament, On a common policy on illegal immigration *

COM(2002) 71 // 2002/43/CNS, Proposal for a COUNCIL DIRECTIVE on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities*

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COM(2002) 564 final, communication from the commission to the council and the European parliament on a community return policy on illegal residents*


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COM(2005)597 final, Communication from the Commission to the Council and the European Parliament on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs*

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Council decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States’ Migration Management Services (2005/267/EC).

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Academic books, articles, reports and papers


APPENDICES

Appendix 1: Detailed Information on the Application of the Content Analysis

The main intention of the content analysis is to measure and compare the presence of different diagnostic as well as prognostic frames. The empirical material consisting of 56 Commission documents has been manually coded. According to Bergström & Boréus, the advantage of doing the coding manually is that it allows for much more sophisticated interpretations of the texts than what is possible when computers do the job (2005, 44). In the coding of the documents, I have firstly studied what term that the Commission has preferred to use when it discusses the issue of irregular immigration (see more below under the heading of “Coding the Commission’s naming of irregular immigration”). I have moreover searched for the Commission’s detailed descriptions of irregular immigration and the specific policy instruments that it has advocated to handle the issue (see more below under the headings of “Diagnostic frames” and “Prognostic frames” respectively). To keep track of the names, descriptions and policy instruments, I have used three different databases created in the computer programme Microsoft Access. One database for each of the three features.

A key element in the analysis of frames is the move upwards an abstraction ladder, where the lowest level is the one closest to the text, while the mid- and upper levels are more abstract in nature. These levels are, as mentioned in the Methods chapter, the following:

1) Detailed description → Diagnostic frame → Discourse
2) Policy instrument → Prognostic frame → Grand strategy

Whereas the detailed descriptions and policy instruments are found directly in the text, the more abstract levels have been formed by a reasoning based on mainly induction, (but with a minor input of deduction). The inductive element means that the names of the various diagnostic frames and discourses as well as prognostic frames and grand strategies have been formed only after the repeated reading of the documents. That is, their labels were not
settled beforehand, but were thought up based on the content of the documents, (which also means that there are no categories of frames that do not exist in the documents). I have tried to give the frames labels that rather “neutraly” cover a range of related descriptions and instruments. The discourses and grand strategies, on the other hand, I have given labels that more obviously point out the more general direction of the frames that they cover, such as “Averting immigration”, “Open up to legal immigration”, “Helping” etc. This in turn means that the level of discourse and grand strategy is the level where it is the easiest to determine whether or not the Commission treats irregular immigration as a threat (for all of the categories available, see the more detailed coding instructions below). That said, the labelling of two of the diagnostic frames also involved an element of deduction since they have actually been mentioned in previous research by Tsoukala (2005, 163-164). This is the case for the Socio-economic Threat frame and the Securitarian Threat frame.\textsuperscript{230} The rest of the frame names were created based solely on the content of the Commission documents.

When it comes to categorizing (i.e. coding) each description and policy instrument found in the actual Commission documents as being part of a specific frame and discourse or grand strategy, the reasoning has been mainly based on a subjectivist approach, though with streaks of objectification. The subjectivist part means that the descriptions and instruments are coded as a specific frame and discourse or grand strategy based on the Commission’s own intentions and assertions. Accordingly, I have read the documents and tried to understand the Commission’s own arguments for their descriptions and advocated instruments, taking them at face value. Following Boréus, this means that the researcher “does not perform a ‘deep’ interpretation of the underlying meaning” of the document, but codes the evident intentions (Boréus 1994, 366-367).\textsuperscript{231} To ensure that the Commission’s own arguments are not too far from what a general audience would accept, I have added an element of objectification, where the researcher ensures that the argumentation of the Commission is reasonable. Also this is in line with Boréus’ coding instructions for her study (1994, 267), and fits the methodological point of departure (where subjectivism and objectivism is coupled). This means that the Commission’s argumentation cannot diverge completely from what people in general would agree that a certain policy

\textsuperscript{230}Tsoukala however did not call them frames, but principles. She also mentioned an “Identity Threat” principle, but since irregular immigration has not been portrayed as being an identity threat in the Commission documents, an Identity Threat frame does not appear in the analysis in the empirical chapters.

\textsuperscript{231}By “deep” meaning, I refer to such meaning that is often uncovered by tools of e.g. critical linguistics. An example is the meaning that is uncovered by studying the order of words, etc. These are things that I on purpose have left out. What I however do not exclude from studying in my content analysis are implicit meaning as long as it is more or less evident what the text intends.
instrument is about. A fictional example could, for instance, be if the Commission would argue that development aid aimed at buying border control equipment for a third country is solely about contributing to development. It would in this case be obvious for people in general that development aid aimed at buying border control equipment would also lead to more border control and render irregular immigration from that country to the EU more difficult, and hence not solely be about helping. At the same time, it would, just as the Commission might argue, help these countries with something they would otherwise probably not afford. Hence I would categorize the policy instrument of development aid for border control equipment as being part of firstly the prognostic frame of “Financial assistance to third countries”, and furthermore as part of the grand strategy that is “A mix between averting and helping”. It should, however, be stated that this has not been a big issue since the Commission rarely argues in a way that would be completely unreasonable to a general audience.

The decision to base the coding of the information in the empirical documents based first and foremost on the Commission’s own argumentation means that one and the same diagnostic or prognostic frame is not always coded as being part of the same discourse or grand strategy. If, for instance, the Commission’s arguments for a certain policy instrument in one document are more in line with a different grand strategy than it was in a previous document, then the same policy instrument will be coded as being part of different grand strategies. The rule is that one and the same detailed definition is always coded as being part of the same diagnostic frame, and one and the same policy instrument is likewise always coded as being part of the same prognostic frame, (since frames are thought of as being a more neutral label). What can differ is the coding of what more general discourse or grand strategy that the frame is part of (since the discourse and grand strategy are thought of as showing the more general direction of the Commission’s reasoning, and hence be more clear about whether or not the Commission treats irregular immigration as a threat). An example where this has been the case concerns the detailed definition that irregular immigration constitutes a threat to the credibility of the overall EU migration policy. This definition is coded as being part of the diagnostic framing of irregular immigration as being a “Threat to the migration policy”. When it comes to the larger discourse that this frame is coded as being part of, two different discourses have been exploited. Based on the Commission’s arguments, it has sometimes been more suitable to code it as being part of the discourse of “Threat to the EU” and sometimes the discourse of “Threat to immigrants”. Another example, this time concerning policy instruments, is that the Frontex border agency is always coded as being part of the prognostic frame of “Border control”. In most cases it is furthermore coded as being part of a grand strategy that is mostly about “Averting immigration”, but in one instance it is instead coded as being part of a grand strategy that is “A mix
between averting and helping”, due to the Commission’s arguments about how Frontex can also help victims of trafficking. It has therefore been of utter importance to understand the Commission’s arguments, which is again something that has called for a manual coding, rather than a computer based one, though it should be stated that in general one and the same frame is most often part of the same discourse or grand strategy. Moreover, in one and the same document, a specific instrument or description can only be coded once (the same as in Boréus, 1994: 367), as a way to ensure that these are not over-represented in the analysis. In contrast, one and the same document may contain several different policy instruments and detailed descriptions.

Reliability

Reliability for social constructivists means not so much objectivity (since there is no such thing) as it means transparency. This has led to the following rules for the content analysis of the dissertation: firstly, I present the reader with several examples of my interpretations in the empirical chapters. Secondly, it means that the documents are read in their entirety to ensure that the intention of the text is not misunderstood, which it could have been had I only looked up certain words (as might have been the case had a computer been used). A third way to certify as far as possible the reasonability of the interpretations, and hence the coding of the documents, is that I have re-read them several times, with plenty of time in between the reads. Though time consuming, it has been a method for ensuring that the meaning of the text is consistently interpreted. In content analysis lingo this is called double coding, which means to perform the coding of the documents more than once, to check whether the coding is consistent and consequently has a high degree of “intrasubjectivity” (see Bergström & Boréus 2005, 50). In light of the double coding, the coding instruction has moreover been further fine-tuned.

232 In very few instances I have made exceptions from this rule in the sense that I did not read the document in full if its general content was on something else completely, for instance the laws of the sea.

233 It should however be pointed out that a completely consistent coding can most likely never be achieved since we are dealing with interpretations and interpretations are just never as objective as positivist epistemology argues. The interpretations should instead be satisfactorily consistent, meaning that they are as consistent as they can probably be. I would argue that this has been achieved in this dissertation since the overall result that the coding has resulted in would most likely remain the same if another researcher was to use the same coding instruction, though minor differences in coding might appear and this should count as an acceptable degree of deviation from total coding consistency (cf. Bergström & Boréus, 2005: 51-52.)
Coding Instructions for the Content Analysis

Introduction
The unit of analysis is the key issue that the researcher wishes to study in the empirical material (Hermann 2009, 157). In this dissertation, the unit of analysis is the Commission’s diagnostic and prognostic framing of irregular immigration. Measuring what different frames that the Commission has used allows the researcher to analyze not only which frames that are most widespread but also whether the frame usage has changed over time.

Even though the unit of analysis is frames, the most basic recording units, i.e. the most basic issues that are coded in the text, are 1) Detailed definitions and 2) Policy instruments. In addition, I have also coded what name that the Commission uses for the issue of irregular immigration. The sampling unit is document. This means that I count in how many documents a certain frame is present, as opposed to counting all the instances that a framing of irregular immigration is present. Each frame (and consequently each detailed description and policy instrument) is hence in the empirical analysis counted at most once in each document. One and the same document may, however, include several different competing frames (and detailed descriptions and policy instruments).

General Coding Instructions
The coding instruction consists of three different sub-instructions. One for the coding of Diagnostic frames, one for Prognostic frames and one for the Commission’s naming of irregular immigration, which are all presented below. Since the actual coding of the documents is made simultaneously for all three, there are also a few principles that are common which are therefore presented at the outset:

- Read through the entire document.
- Note which DG that wrote the document (as stated in the EU’s “Pre-lex” search engine).

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234 I have made this decision based on it better showing the scope with which a certain frame is put forth. Had I instead counted every instance that one frame was mentioned, this would have run the risk of making the results askew since one single document may mention a certain frame several times (if a document dealt specifically with one particular policy instrument for example), and then make that prognostic frame appear too popular compared to other prognostic frames that still were mentioned in many more documents.

235 Though each frame in the empirical analysis is counted only once in each document, during the coding itself one and the same frame could be recorded more than once in each document since different detailed descriptions and different policy instruments could be categorized as being part of one and the same frame. However, the databases I used in Microsoft Access allowed me subsequently to organize all the observations in accordance to the rule that each frame should only be counted once per document.
In legal proposals, focus the coding to the explanatory part of the document, which is placed in the beginning before the legal text itself. Focus on the explanatory parts because these contain more arguments on why the Commission is advocating the specific legal instrument put forth. Do not focus the coding to the legal text itself, which is most often quite “crisp” in nature and often does not contain wordings that inform the reader of the Commission’s view of irregular immigration or the instrument at hand. Hence, code based on the information in the initial explanatory parts of the document. An exception from this general rule is made for the earliest documents, since the argumentation in the initial parts of those documents are often much more underdeveloped compared to the later documents.

**Coding the Commission’s Naming of Irregular Immigration**

The reason for investigating the Commission’s naming of the issue that in this dissertation is called “irregular” immigration, is to see what terms that the Commission prefers, and whether this may have changed over time. The focus has been on what term that the Commission uses, and to what extent it uses that specific term. I have focused on “illegal”, “irregular”, undocumented” and “clandestine”.

If mentioned often in one and the same document, I have coded a term as being of “Major” usage. If mentioned only to a limited extent I have coded it as being of “Minor” usage.

- Code when either of the following categories are used:
  1) “Clandestine migration”
  2) “Illegal migration”
  3) “Irregular migration”
  4) “Undocumented migration”

More than one category can be coded in each document.

- Code either of the categories as being “Major” when it is used at least 4 times in one and the same document. If used to a lesser extent code as being “Minor”. If not mentioned at all, do not code it.
- Note the year that a certain category is used.
- Note the document that a certain category is used in.

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236 The four categories were created based on the reading of the documents, which showed that these four synonyms were the most recurring.
Table 10.1 Example of how one observation is coded as concerns the Commission’s naming of irregular immigration

<table>
<thead>
<tr>
<th>Name used:</th>
<th>Illegal migration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year:</td>
<td>2001</td>
</tr>
<tr>
<td>Document:</td>
<td>COM(2001)672</td>
</tr>
<tr>
<td>Minor/Major use of this name:</td>
<td>Major</td>
</tr>
</tbody>
</table>

Source: Author’s own database

Coding the Commission’s Diagnostic Framing of Irregular Immigration

The main interest when coding the Commission’s diagnostic framing is how irregular immigration is portrayed, and whether these portrayals changes over time. Each diagnostic framing consists of several related detailed descriptions, which are the most basic recording units that the researcher looks for in the documents. Each detailed description is at most noted once in each document, and is also categorized as being part of a specific diagnostic frame and a specific discourse.

- Code when the Commission describes irregular immigration in a specific way, this is a detailed description. Code a specific description only once in each document. If there are statements that describe irregular immigration in two or more ways, code each one. Code only when the description can be clearly understood, i.e. do not note unclear descriptions like “the problem of irregular immigration” since the idea is to distinguish specific frames, and unclear descriptions of that kind do not allow for a frame analysis.237 (An exception is made for the word “security”, see coding instructions under “Securitarian Threat”).
- Note the year that the detailed description is used.
- Note the document that the detailed description is used in.
- Note on what page numbers that the detailed description appears.

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237 This may be considered a weakness, since also unclear descriptions of the kind just mentioned may still indicate that the Commission views irregular immigration as a problem. However, for the aim of this dissertation it would not have helped very much. After all, the problem may be interpreted in several different ways, for instance that irregular immigrants may be victims of ruthless traffickers or that the irregular immigrants may threaten societies of the EU by undermining the welfare society. The idea is to obtain not just a general view of irregular immigration as a problem, but as what kind of problem. Seeing irregular immigrants as victims is however quite different from seeing them as a threat. Therefore, unclear descriptions are not coded.
- Code each detailed description as being part of one of the following diagnostic frames:\textsuperscript{238}

1) “Irregular immigrants as victims” (when the Commission sees irregular immigrants as being in a vulnerable position, and/or sees irregular immigration as threatening the well-being of the irregular immigrant)

2) “Socio-Economic Threat” (when the Commission sees irregular immigration as being a threat to the welfare state, contributing to the rise of a parallel economy, and/or causing unfair competition in the market)

3) “Threat to the EU Migration Policy” (when the Commission sees irregular immigration as undermining the EU’s migration policy by e.g. threatening the effect of other parts of the EU’s migration policy such as legal migration and integration, and/or undermining EU citizens’ trust in the EU migration policy)

4) “Securitarian Threat” (when the Commission links irregular immigration to organised crime, terrorism, criminal activities and security, which is seen as threatening the EU, and when it uses the term “security”\textsuperscript{239})

5) “Normalizing frame” (when the Commission sees irregular immigrants as a normal feature of society, shows understanding for the act of irregular immigration and considers it a rational move. Irregular immigration is not seen as a threat in any way, but as normal behavior)

6) “Irregular Immigration as Economic Benefit” (when the Commission sees irregular immigration as a contribution to the European economy, not a threat)

Each document may contain more than one detailed description.

- Code each detailed description as being part of one of the following discourses:\textsuperscript{240}

1) “Threat to immigrants” (when the Commission sees irregular immigration as threatening either irregular or regular immigrants, including the well-being of irregular immigrants)

\textsuperscript{238} The options under framing crystallized inductively during the many readings of the documents.

\textsuperscript{239} Someone may consider the term “security” as an unclear description, but since it is considered a key term in the literature on securitization and threat construction it should be coded as part of the Securitarian Threat frame.

\textsuperscript{240} All options under discourse crystallized inductively during the many readings of the documents.
2) “Threat to the EU” (when the Commission sees irregular immigration as threatening the EU population, the EU organization, EU markets, and/or EU security)
3) “Non-threatening” (when the Commission sees irregular immigration as not threatening either immigrants or the EU. It can either be positive or indifferent/”neutral” to irregular immigration).

Table 10.2 Example of how one observation is coded as concerns the Commission’s diagnostic framing of irregular immigration

<table>
<thead>
<tr>
<th>Detailed description (what irregular immigration is about):</th>
<th>Victims of exploitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year:</td>
<td>2001</td>
</tr>
<tr>
<td>Document:</td>
<td>COM(2001)672</td>
</tr>
<tr>
<td>Pages:</td>
<td>7</td>
</tr>
<tr>
<td>Diagnostic frame:</td>
<td>Victim frame</td>
</tr>
<tr>
<td>Grand Discourse:</td>
<td>Threat to immigrants</td>
</tr>
<tr>
<td>DG Author:</td>
<td>DG JHA</td>
</tr>
<tr>
<td>Comments or quotes:</td>
<td>They are seen as victims of traffickers</td>
</tr>
</tbody>
</table>

Source: Author’s own database

Coding the Commission’s Prognostic Framing of Irregular Immigration
The main interest when coding the Prognostic framing is how the Commission wishes to handle irregular immigration and whether this changes over time. Each prognostic frame consists of several related policy instruments, which are the most basic recording units that the researcher looks for in the documents. Each policy instrument is noted once at the most in each document, and is also categorized as being part of a specific prognostic frame and a specific grand strategy.

- Code when the Commission advocates a certain policy instrument to handle irregular immigration:
  - Code policy instruments that are specific in nature. Do not code vague suggestions. For instance, do not code such vague suggestions as “reducing irregular immigration” or “respecting human rights”. Instead code the specific policy instruments that are supposed to “reduce irregular immigration” and “respect human rights”.  

241 Often, the Commission documents contain general wordings like “fundamental rights of immigrants must be guaranteed”, without ever specifying how. This is, for instance, frequently the case when the Commission suggests different specific instruments for the repatriation of irregular immigrants and argues that when executing the repatriation, irregular immigrants’
- Only code policy instruments that handle irregular immigration. Since the study is only interested in studying the Commission’s framing of irregular immigration, code instruments that refer to refugees and other migratory groups only when these are also irregular immigrants.

- Do not code policy instruments unless explicitly or implicitly referred to as an instrument to handle irregular immigration in that document. This means that instruments that have in previous documents been discussed as an instrument that can be used to handle irregular immigration should not be coded in a new document unless they are there too referred to as a means to handle irregular immigration. This is so because the instrument may in the document at hand not be thought of as an instrument to handle irregular immigration but some other issue. (Many of the instruments are not developed to solely handle irregular immigration, but also a range of other issues. One such example is the Schengen Information System, SIS, which is only coded when referred to as an instrument to handle irregular immigration.)

- Policy instruments should be interpreted as “advocated by the Commission”, and hence coded into the database, when the Commission’s wordings implicitly or explicitly indicate the appreciation, recommendation or optimistic suggestion of a policy instrument. Examples are when the Commission argues that the instrument is needed, and/or is (or has been) advantageous. A help in determining this is the following kind of expressions motivating the use of the instrument: “necessary”242, “ideal”243, “facilitating”, “effective”244, “improved measures”, “could be used”245, but also segments where an instrument is implicitly understood to be desirable. Do not code instruments that are merely mentioned, and that are not understood as being advocated by the Commission.

- Policy instruments should be interpreted as “advocated by the Commission”, when the Commission advocates it. It is not sufficient that the instrument is advocated either by the

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242 See e.g. COM(2008)68, p. 4.
243 See e.g. COM(2003)323, p. 11.
244 See e.g. COM(2002)703, p. 36.
245 See e.g. COM(2008)69, p. 7.
Council or the European Parliament, i.e. the two other EU institutions mainly involved in the EU decision process.

- Code a specific policy instrument only once in each document.
- Note the year that the policy instrument is mentioned.
- Note the document in which the policy instrument is used.
- Note on what page numbers that the policy instrument appears.
- Code each policy instrument as being part of one of the following prognostic frames:\footnote{All options under framing crystallized inductively during the many readings of the documents.\footnote{It may be stated that some of the prognostic frames resemble each other. For instance, “Information exchange” is in a sense somewhat similar to “Surveillance” since both focus on keeping up with trends in irregular immigration. However, information exchange is much more concerned with the interaction between member states, while surveillance is concerned with watching and detecting moves made by irregular immigrants. Sometimes “Surveillance” also comes close to Border control, when it deals with supervision of borders. However, “Surveillance” has been coded when the Commission’s focus is on the technology, while “Border control” is coded for institutions created for border control, although sometimes they are admittedly close. However, one specific instrument has always only been coded once as one frame to ensure that no instrument gets coded twice and hence overestimates a certain instrument or prognostic frame.\footnote{Initially there were more categories of prognostic frames. The ones not mentioned here were however removed from the presentation based on them being mentioned in less than five documents each. The presentation in the empirical chapter would otherwise have been too scattered. The fact that they were removed does not alter anything in the larger picture presented.}}

1) “Border control” (when the policy instrument has to do with the management of EU borders and institutions created for border control)
2) “Return Policy” (when the policy instrument has to do with the repatriation and readmission of irregular immigrants)
3) “Surveillance” (when the policy instrument has to do with watching and detecting moves made by irregular immigrants, e.g. through information systems or incarceration)
4) “Combat illegal employment” (when the policy instrument has to do with the fight against illegal employment, such as sanctions of an employer of irregular immigrants, or controls in the labor market)
5) “Financial assistance to third countries” (when the policy instrument has to do with using development aid or other financial measures given to third countries as a way of dealing with irregular immigration)
6) “Information exchange between EU member states” (when the policy instrument has to do with the interaction and exchange of information between member states)
7) “Fight trafficking” (when the policy instrument has to do with the combat of human trafficking with a focus on the perpetrators or the trafficking phenomenon as a whole)

8) “More legal ways into the EU” (when the policy instrument has to do with opening up more legal ways into the EU. Code legal immigration as a policy instrument only when it is explicitly or implicitly seen as a solution to irregular immigration, e.g. when the Commission suggests that easier routes for legal immigration can be a way of reducing irregular immigration. Do not code legal immigration as a policy instrument if it is not referred to as a solution to irregular immigration, i.e. do not code a proposition to facilitate routes for legal immigration if it is not put forth as a way to handle irregular immigration).

9) “Take care of victims” (when the policy instrument has to do with the support of victims of exploitation or victims during the journey to Europe, including a temporary stay. It focuses on the victims, not the phenomenon of trafficking or exploitation in the workplace as a whole).

10) “Information campaigns” (when the policy instrument has to do with information campaigns directed either to immigrants or the general public)

11) “Protection of rights” (when the policy instrument has to do with providing rights to irregular immigrants. Focuses on the rights of irregular immigrants to demand authorities for something)

12) “Visa Policy” (when the policy instrument has to do with using visas as a tool to handle irregular immigration)

Each document may contain more than one policy instrument.

- Code each policy instrument as being part of one of the following grand strategies:

  1) “Averting immigration” (when the policy instrument is to be used mainly for preventing or stopping irregular immigration, or remove irregular immigrants from EU territory)

  2) “Helping” (when the policy instrument is to be used mainly for the aim of supporting vulnerable actors, such as victims or poor third countries. The vulnerable actor remains quite passively receiving)

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249 Code the instrument of “temporary stay” as Take care of victims, even though the Commission also says it is about fighting trafficking. The Commission’s own view of the temporary stay as being both about fighting trafficking and helping victims is seen to in the categorizing of this policy instrument as being part of a discourse that mixes averting and helping.

250 All options under grand strategy crystallized inductively during the many readings of the documents.
3) “Provide rights to irregular immigrants” (when the policy instrument is mainly to be used for granting rights to irregular immigrants. The irregular immigrant here becomes more of an active agent with the right to demand authorities for something)

4) “A mix between averting and helping” (when the policy instrument is simultaneously to be used for prevention, stopping or removal of irregular immigrants and for supporting vulnerable actors).

5) “Open up to legal immigration” (when the policy instrument is mainly to be used to increase opportunities for legal roads for potential immigrants)

6) “A mix between averting and opening up” (when the policy instrument is simultaneously to be used for prevention, stopping or removal of irregular immigrants and to increase legal roads for potential immigrants)

7) “Other” (when the policy instrument does not fit any of the categories above)

When the Commission does not motivate why they advocate a certain instrument to handle irregular immigration, code the instrument as the same grand strategy as the Commission has argued in previous documents.

Table 10.3 Example of how one observation is coded as concerns the Commission’s prognostic framing of irregular immigration

<table>
<thead>
<tr>
<th>Policy instrument suggested:</th>
<th>European Border Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year:</td>
<td>2001</td>
</tr>
<tr>
<td>Document:</td>
<td>COM(2001)672</td>
</tr>
<tr>
<td>Pages:</td>
<td>4, 17-18</td>
</tr>
<tr>
<td>Prognostic frame:</td>
<td>Border control</td>
</tr>
<tr>
<td>Grand strategy:</td>
<td>Averting immigration</td>
</tr>
<tr>
<td>DG Author:</td>
<td>DG JHA</td>
</tr>
<tr>
<td>Comments or quotes:</td>
<td></td>
</tr>
</tbody>
</table>

Source: Author’s own database
Appendix 2: Sample Interview Guide

Introduction of the research project:
- I am part of an academic research and training programme for young scholars, which is called “European Foreign and Security Policy Studies” and is funded jointly by the Compagnia di San Paolo in Italy, the VolkswagenStiftung in Germany and the Riksbankens Jubileumsfond in Sweden. It supports research projects that focus on the EU’s foreign and security policy.

- My research project deals with the EU’s approach towards illegal immigration. The main question that I am interested in refers to what the approach looks like and how the Commission has organized its work on illegal immigration. I use a bottom up perspective and hence focus on the role of civil servants/ EU officials in shaping the EU approach. The theories used are based on political science literature. This interview concerns your specific experience of the policy shaping process and deals with your work in DG XX.

- When it comes to the issue of confidentiality, I will in the presentation of my research not mention any of my interviewees by name. I may, however, quote you, but not in a way that could link it to you. Perhaps you will also want to see a transcribed version of the interview, to ensure that I have understood you correctly?

- As regards this interview: I wish to use a recorder to tape the interview so that I will make sure that I correctly understand your information and get the details right. Is this OK?

Interview topics and questions:

Background information
1. Could you please tell me a bit about yourself:
   a) What is your name and current position?
   b) How long have you worked here with these issues?
   c) What did you do before?
   d) How many people are working with the issue of illegal immigration in your DG/Unit?

Policy content and organization within the Commission
The next questions concern the EU’s present approach to illegal immigration.
2. Can you please walk me through the main tasks of your present work? What does a typical day/week/month look like? What tasks are to be carried out?
   a. What is written – reports, etc.?
   b. Do you go on missions, what do you do in these missions?
3. What would you say are the main challenges posed by illegal immigration? Why is there a need to have policies on it?
4. What are the goals of your work on the issue? What goals do you wish to achieve?
5. What are the obstacles to achieving those goals?
6. How do you think the EU should handle the issue of illegal immigration?
7. Which do you consider the most important proposals presented by the Commission? Why?
8. What is missing today? What, if anything, is left for the EU to do to achieve a satisfactory policy on illegal immigration?

**The policy process**
The next questions relate to other participants in the praxis-shaping process and your cooperation with them.

9. When do you consult with other DGs?
10. With whom do you communicate or cooperate inside the main EU institutions as regards illegal immigration issues? [Who? How? Why? On what specific issues?]
    a. The Commission?
       A) How does your DG’s policy preferences differ and converge with that of other DGs?
       B) Have you noticed any competition over which DG that should handle illegal immigration?
    b. The Council?
    c. The European Parliament?
    d. EU agencies such as Frontex and Europol?
11. With whom do you communicate or cooperate on the EU member states’ national level?
12. With what outside actors do you cooperate or communicate?
    a. Experts (e.g. from think tanks)?
    b. Non-Governmental Organisations (e.g. Amnesty International; trade unions, etc.)?
    c. International (Governmental) Organisations (e.g. NATO; UN, etc.)?
    d. Academia (e.g. professors/scholars of certain fields of study)?
    e. Private firms (e.g. consulting firms)?
f. Others?
13. Do you ever set up expert groups or working groups? [For what tasks, who participates, how are they formed?]
14. Which actors do you believe are influential in shaping the EU’s approach to illegal immigration? [not only formally but also informally] Why are certain actors more influential than others? Please give concrete examples.

Almost done…
15. Who else has some insight into these questions and you would think would be helpful for me to interview? Is it also OK if I refer to you when I ask them for an interview?
16. If you feel there are relevant documents for me to read regarding the issues touched upon above, I would be most grateful for them.
17. Would it be ok to contact you again if I have some further specific questions?
Appendix 3. EU agreements, conventions, actions plans and agencies with relevance for irregular immigration

<table>
<thead>
<tr>
<th>Agreement, law or alike</th>
<th>Signed (year)</th>
<th>Entry into force (year)</th>
<th>Content in brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schengen agreement</td>
<td>1985</td>
<td>1995</td>
<td>Abandon internal borders and create common external border control</td>
</tr>
<tr>
<td>Dublin convention</td>
<td>1990</td>
<td>1997</td>
<td>Determined which member state should deal with an application for asylum (since then superseded by the Dublin regulation)</td>
</tr>
<tr>
<td>Europol convention</td>
<td>1995</td>
<td>1998</td>
<td>Introduced a European Police Office (since then superseded by the Europol decision)</td>
</tr>
<tr>
<td>The Treaty of Amsterdam</td>
<td>1997</td>
<td>1999</td>
<td>“An area of Freedom, Security and Justice” was created. Several issues of pillar III were moved to the supranational pillar I, including illegal immigration. Incorporation of the Schengen Agreement into the EU framework.</td>
</tr>
<tr>
<td>Tampere programme</td>
<td>1999</td>
<td></td>
<td>Five-year programme (1999-2004) e.g. to establish a common migration policy</td>
</tr>
<tr>
<td>Hague programme</td>
<td>2004</td>
<td></td>
<td>Five year programme (2004-2009) e.g. on immigration policy</td>
</tr>
<tr>
<td>Regulation establishing Frontex agency</td>
<td>2004</td>
<td></td>
<td>The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was created to fight e.g. illegal immigration.</td>
</tr>
<tr>
<td>Lisbon Treaty</td>
<td>2007</td>
<td>2009</td>
<td>Abandonment of the pillar system, now co-decision in all aspects of immigration issues.</td>
</tr>
<tr>
<td>Stockholm Programme</td>
<td>2009</td>
<td></td>
<td>Five-year programme (2009-2014) e.g. on immigration</td>
</tr>
</tbody>
</table>
### Appendix 4. EU laws concerning irregular immigration

<table>
<thead>
<tr>
<th>Name of the law</th>
<th>Content in brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence</td>
<td>Defines facilitation of unauthorized entry. Each member state shall adopt sanctions on those who facilitate unauthorized entries. Each member state may, however, decide not to impose sanctions should the facilitator be doing it for humanitarian reasons.</td>
</tr>
<tr>
<td>Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA)</td>
<td>Each member state shall ensure that the facilitation of unauthorized entry is punishable by criminal penalties, which may entail extradition and sanctions.</td>
</tr>
<tr>
<td>Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network</td>
<td>Says that member states can place Immigration Liaison Officers in third countries. The ILOs are meant to collect information on irregular immigration, so as to enhance their ability to prevent and combat it.</td>
</tr>
<tr>
<td>Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities</td>
<td>Defines the conditions for when a third-country national can be granted a temporary residence permit if cooperating in the fight against trafficking in human beings or the facilitation of illegal immigration.</td>
</tr>
<tr>
<td>Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data</td>
<td>Concerns air carriers. Air carriers must, at the request of the authorities, transmit information on the passengers they will carry. Member states shall take the necessary measures to impose sanctions on carriers which have not transmitted data or have transmitted incomplete or false data.</td>
</tr>
<tr>
<td>Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers</td>
<td>The RABIT ‘strategic reserve’ will initially comprise 300 - 500 specially trained border guards and national experts who can be mobilized by Frontex when one or more member states are confronted with the sudden arrival of a large influx of illegal immigrants at the Union’s external borders. The salaries of border guards will be paid by the country, but the additional costs of operations (travel expenses, repatriation, insurance, living costs) will be paid by Frontex.</td>
</tr>
<tr>
<td>Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals</td>
<td>To standardize the expulsion of illegal immigrants. Harsher rules than the ones in the directive are forbidden. A voluntary departure period is 7-30 days. If the deportee does not leave, national authorities will issue a removal order. If the deportee might be hiding, the person can be put into custody. Art 15 sets the maximum period of custody at six months, with a possible twelve-month extension, maximum detention adds up to 18 months.</td>
</tr>
<tr>
<td>The Dublin Convention signed in June 1990 between 11 Member States, which entered into force in 1997, sets up a legally binding mechanism to determine the Member State responsible for reviewing an asylum application.</td>
<td>The Dublin Regulation superseded the Dublin convention, with the same basic idea of which member state that should deal with an application for asylum.</td>
</tr>
</tbody>
</table>
Doktorsdisputationer
(filosofie doktorsgrad)

2. Lars Frykholm (1942) Studier över artikel 48 i Weimarförfattningen.

2. Sören Häggroth (1972) *Den kommunala beslutsprocessen vid fysisk plane-ring.* 9903658125


29. Michele Micheletti (1985) *Organizing Interest and Organized Protest: Difficulties of Member Representation for the Swedish Central Organization of Salaried Employees (TCO).* 917146-451-4


35. Agneta Bladh (1987) *Decentraliserad förvaltning. Tre ämbetsverk i nya roller.* (Studentlitteratur) 91-44-27731-8
44. Jan-Gunnar Rosenblad (1992) *Nation, nationalism och identitet. Sydafrika i svensk sekelskiftesdebatt.* (Bokförlaget Nya Doxa) 91-88248-24-0
soning in the Modern State 1870-1940*. 91-7153-506-3
57. Eva Haldén (1997) *Den Föreställda Förvaltningen. En institutionell histo-
ria om central skolförvaltning*. 91-7153-578-0
59. Peter Ehn (1998) *Maktens administratörer. Ledande svenska statstjän-
mäns och politikers syn på tjänstemannarollen i ett förändringsperspektiv*. 91-7153-779-1
na naturalrättens språkfilosofiska grunder*. Brännpunkt: Samuel Pufendorf. 91-7153-825-9
75. Mike Winnerstig (2001) *A World Reformed? The United States and Euro-
pean Security from Reagan to Clinton*. 91-7265-212-8
78. Susanna Rabow-Edling (2001) *The intellectuals and the idea of the nation in Slavophile thought.* 91-7265-316-7
116. Lenita Freidenvall (2006), Vägen till Varannan Damernas. Om kvinno-
representation, kvotering och kandidaturval i svensk politik 1970-2002
91-7155-322-3
Policy: The Example of Sweden. 91-7155-321-5
118. Magnus Erlandsson (2007) Striderna i Rosenbad. Om trettio års försök
att förändra Regeringskansliet. 978-91-7155-448-2
119. Anders Sjögren (2007) Between Militarism and Technocratic Govern-
ance: State Formation in Contemporary Uganda. 978-91-7155-430-7
120. Andreas Behnke (2007) Re-Presenting the West. NATO’s Security Dis-
course After the End of the Cold War. 978-91-7155-522-9
122. Simon Birnbau
123. Tove Lindén (2008) Explaining Civil Society Core Activism in Post-
Soviet Latvia. 978-91-7155-585-4
124. Pelle Åberg (2008) Translating Popular Education – Civil Society Co-
operation between Sweden and Estonia. 978-91-7155-596-5
125. Anders Nordström (2008) The Interactive Dynamics of Regulation: Exp-
loping the Council of Europe’s Monitoring of Ukraine. 978-91-7155-
616-5
126. Fredrik Doeser (2008) In Search of Security After the Collapse of the
Soviet Union: Foreign Policy Change in Denmark, Finland and Swe-
Security Considerations as a Source of American Foreign Policy. 978-
91-7155-733-9
128. Jenny Cisneros Örnberg (2009) The Europeanization of Swedish Alco-
hol Policy. 978-91-7155-748-3
129. Sofie Bedford (2009) Islamic Activism in Azerbaijan: Repression and
Mobilization in a Post-Soviet Context. 978-91-7155-800-8
130. Björn Harström (2009) Vad vi inte får se. 100 år av censurpolitik. 978-
91-7155-878-7
och bygnadslagstiftningen. 978-91-7155-944-9
eliters ambivalenta partiledarideal. 978-91-7155-962-3
gruppen ESO:s födelse, levnad och död. 978-91-7447-006-2
134. Maria Carbin (2010) Mellan tystnad och tal – flickor och hedersvåld i
svensk offentlig politik. 978-91-7447-037-6
Production in Nicaragua. 978-91-7447-052-9
136. Barbara Kunz (2010) Kind words, cruise missiles and everything in be-
tween. A neoclassical realist study of the use of power resources in U.S.
policies towards Poland, Ukraine and Belarus 1989–2008. 978-91-7447-
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